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JOURNAL
OF THE
HOUSE OF DELEGATES
OF
VIRGINIA

EXTRA SESSION
WHICH COMMENCED AT THE STATE CAPITOL

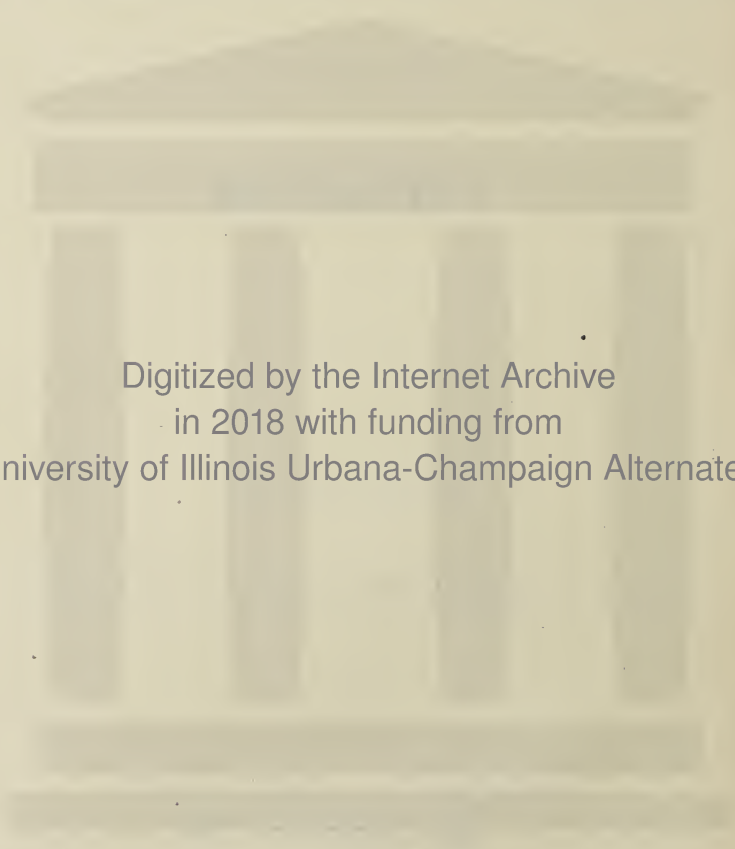
ON
WEDNESDAY, MARCH 16, 1927

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1927

HOUSE JOURNAL

WEDNESDAY, MARCH 16, 1927

The House of Delegates was called to order by THOMAS W. OZLIN, Speaker, at 12 o'clock.

Prayer by Rev. Wm. S. Golden, pastor of Westminister Presbyterian Church, Richmond, Virginia.

The following communications were received from the Secretary of the Commonwealth:

COMMONWEALTH OF VIRGINIA,
OFFICE OF SECRETARY OF THE COMMONWEALTH,
RICHMOND, *March 16, 1927.*

To the Honorable the Clerk of the House of Delegates:

SIR:

I transmit herewith a copy of the Proclamation by the Governor calling a special session of the General Assembly, to convene at 12 o'clock noon, on Wednesday, the sixteenth day of March, 1927.

Very respectfully,

B. O. JAMES,
Secretary of the Commonwealth.

OFFICE OF SECRETARY OF THE COMMONWEALTH,
RICHMOND, VIRGINIA.

PROCLAMATION

In accordance with the provisions of section 73 of the Constitution, I, Harry Flood Byrd, Governor of Virginia, do hereby summon the members of the Senate and House of Delegates, constituting the General Assembly, to meet in extra session, in their respective chambers in the Capitol, at Richmond, at 12 o'clock noon, on Wednesday, the 16th day of March 1927.

In testimony whereof, I have hereto set my hand and caused the seal of the Commonwealth of Virginia to be attached, at Richmond, this 24th day of January, 1927, in the one hundred and fifty-first year of the Commonwealth.

HARRY FLOOD BYRD,
Governor of Virginia.

BY THE GOVERNOR

(SEAL) B. O. JAMES,
Secretary of the Commonwealth.

COMMONWEALTH OF VIRGINIA,
OFFICE OF SECRETARY OF THE COMMONWEALTH,
RICHMOND, *March 16, 1927.*

To the Honorable the Clerk of the House of Delegates:

SIR:

As required by law, I herewith respectfully transmit the following names of members elect of the House of Delegates who have been elected to fill vacancies in that body, as ascertained and determined by the board of State Canvassers at their

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meetings held on the fourth Monday in November, 1926, and the second Monday in March, 1927, the official record of which is on file in this office:

Albert S. Bolling, for the city of Charlottesville, and the counties of Albemarle and Greene, to fill the vacancy caused by the resignation of Hon. Lemuel F. Smith.

W. W. Bird, for the county of Russell, to fill the vacancy caused by the resignation of Hon. John W. Stuart.

George M. Warren and P. L. Cole, for the city of Bristol and county of Washington, to fill the vacancies caused by the resignation of Hon. W. Y. C. White and S. Bruce Jones.

Very respectfully,

B. O. JAMES,
Secretary of the Commonwealth.

ALBERT S. BOLLING, delegate-elect from the counties of Albemarle, Greene and the city of Charlottesville;

W. W. BIRD, delegate-elect from the county of Russell;

GEORGE M. WARREN and P. L. COLE, delegates-elect from the county of Washington and city of Bristol; presented themselves at the Clerk's desk and took and subscribed the oaths prescribed by the Constitution.

The roll was called and the following members responded to their names:

Messrs. Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickels, Norris, Page, Parker, R. R., Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—100.

There were one hundred delegates present.

Ordered that MR. SMITH, *of Alexandria*, inform the Senate that the House is ready on its part to proceed to business.

A message was received from the Senate, by MR. HOLT, who informed the House that the Senate was ready on its part to proceed to business.

MR. BREWER offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That a committee be appointed, composed of five on the part of the House of Delegates and three on the part of the Senate, to notify the Governor that the General Assembly of Virginia is duly organized, and ready to receive any communication that he may desire to make; which was agreed to.

Ordered that MR. BREWER carry the joint resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT, who informed the House that the Senate had agreed to the joint resolution.

THE SPEAKER appointed MESSRS. BREWER, BARTON, JEFFREYS, HARMAN and KELLY, the Committee on the part of the House.

The committee subsequently reported that they had waited upon the Governor who stated that he would be pleased to address the joint assembly.

MR. SMITH, *of Alexandria*, offered the following joint resolution:

Resolved by the House of Delegates (the Senate concurring), That the General Assembly meet this day at 1:05 o'clock P. M., in joint session to receive the Governor of Virginia and such communications as he may desire to make, and that the rules for the government of the Senate and House of Delegates when convened in joint assembly for such purposes shall be as follows:

At the hour fixed for the meeting of the joint assembly, accompanied by the PRESIDENT and Clerk of the Senate, the Senators shall proceed to the Hall of the House of Delegates and shall be received by the delegates standing. Appropriate seats shall be assigned to the Senators by the sergeant-at-arms of the House. THE SPEAKER of the House shall assign an appropriate seat for the PRESIDENT of the Senate.

2. THE SPEAKER of the House shall be President of the joint assembly. In case it shall be necessary for him to vacate the chair, his place shall be taken by the President of the Senate, or, in his absence, by such member of the joint assembly as the SPEAKER may designate.

3. The Clerk of the House shall be the Clerk of the joint assembly, and shall be assisted by the Clerk of the Senate. He shall enter the proceedings of the joint assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same on the Journal of the Senate.

4. The sergeant-at-arms, the doorkeepers and pages of the House shall act as such for the joint assembly.

5. The rules of the House of Delegates, so far as practicable, shall be the rules of the joint assembly.

6. In calling the roll of the joint assembly, the names of the Senators shall be called first, in alphabetical order, then the names of the Delegates in like order, except the name of the SPEAKER of the House shall be called last.

7. If, when the joint assembly meets, it shall be ascertained that a majority of each house is not present, the joint assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

8. When the joint assembly adjourns, the Senators, accompanied by the PRESIDENT and Clerk of the Senate, shall return to their chamber and the business of the House shall be proceeded with in the same order as when it was interrupted by the extrance of the Senators; which was agreed to.

Ordered that MR. SMITH, *of Alexandria*, carry the joint resolution to the Senate and request their concurrence.

A message was received from the Senate, by MR. HOLT who informed the House that the Senate had agreed to the joint resolution.

The hour of 1:05 o'clock P. M. having arrived, being the time fixed by the joint resolution to receive the Governor of Virginia, the Senate repaired to the Hall of the House of Delegates and was received by the Delegates standing.

The roll of the Senate was called, and the following Senators answered to their names:

Messrs. Ames, Ball, Barksdale, Barron, Beaty, Booker, Buchanan, Connor, Crockett, Denny, Downing, Early, East, Ferguson, Garrett, Goode, Gunn, Haddon, Holladay, Holt, Jeffreys, Johnson, Kendig, Lambeth, Layman, Lesner, Mills, Noell, Rogers, Smith, W. Worth, Jr., Stubbs, Swank, Thompson, Vaughan, Wickham, Willis, Woodson—37.

There were thirty-seven Senators present:

The roll of the House of Delegates was called, and the following Delegates answered to their names:

Messrs. Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickels, Norris, Page, Parker, R. R., Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Vellines, Waller, Warren, C. R., Warren, Geo. M., Wright, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—98.

There were ninety-eight Delegates present.

MR. DENNY offered the following resolution:

Resolved, That THE SPEAKER appoint a committee of three composed of two Delegates and one Senator, to notify the Governor that the Joint Assembly is duly organized and ready to receive any communication he may desire to make; which was agreed to.

THE SPEAKER appointed MESSRS. DENNY, BROWN and REW, the committee.

The committee subsequently presented the Governor, who was formally received by the joint assembly.

The Governor addressed the joint assembly as follows:

(Governor's address printed as House Document No. 1)

Ordered that 5,000 extra copies of House Document No. 1 be printed.

MR. GUNN offered the following resolution:

Resolved that the commission appointed by act approved March 25, 1926, to suggest amendments to the Constitution of Virginia, be invited to address the joint assembly on Thursday, March 17th, at 12:15 o'clock P. M., and that the Clerk of the joint assembly transmit

a copy of this resolution to the chairman of the said commission, which was agreed to.

On motion of MR. GUNN the joint assembly adjourned *sine die*.

Whereupon, the Senators repaired to their chamber.

THE SPEAKER laid before the House the report of the Commission to Suggest Amendments to the Constitution of Virginia, authorized by act approved March 25, 1926, which is printed as House Document No. 2.

THE SPEAKER laid before the House the report of the commission appointed by the Governor, upon the Consolidation and Simplification of Government, which is printed as Senate Document No. 1 together with the report of the Bureau of Municipal Research accompanying the same, which is printed as Senate Document No. 2.

THE SPEAKER announced the following appointments made in vacation:

Committee to suggest busts of Eminent Virginians to be placed in the niches in the Rotunda of the Capitol;

MESSRS. MOORE, ADAMS and JONES, *of Spotsylvania*.

Committee to arrange for the celebration of the 150th anniversary of the Virginia Bill of Rights:

MESSRS. DOVELL, TOPPING and BOWLES.

Committee to consider the establishment of a memorial to the 'Big Four,' Samuel H. Newberry, Peyton G. Hale, A. M. Lybrook, B. F. Williams and their associate, John E. Massey:

MESSRS. BIRD and GEORGE.

Committee to consider and report upon the advisability of placing markers on European battlefields where Virginia units fought:

MESSRS. BARTON and WOOD.

Committee upon the celebration of the 200th anniversary of the birth of General George Washington:

MR. J. SINCLAIR BROWN.

THE SPEAKER announced the following committee appointments.

MR. BOLLING: Courts of Justice, Schools and Colleges, Claims.

MR. WARREN, *of Bristol*: Courts of Justice, Claims, Retrenchment and Economy, Insurance and Banking.

MR. BIRD, *of Russell*: Roads and Internal Navigation, Finance.

MR. COLE: Schools and Colleges, Roads and Internal Navigation, Offices and Officers at the Capitol, Immigration.

THE SPEAKER laid before the House the following communication :

J. GRANT HINKLE,
Secretary of State.

A. M. KITTO,
Asst. Secretary of State.

DEPARTMENT OF STATE

OLYMPIA

HOUSE JOINT MEMORIAL No. 3

To the Honorable House of Representatives of the United States of America in Congress assembled:

We your memorialists, the House of Representatives and the Senate of the State of Washington, in legislative session assembled, most respectfully represent and pray as follows:

Whereas, under our present constitution the President, Senators and Representatives take up their duties many months after the day of election, and

Whereas, the provisions of the constitution herein sought to be amended are antiquated and unworkable under modern conditions, to such an extent as to be, in some cases, a positive menace to the best welfare of the Nation, and

Whereas, the Senate has seen fit to offer and pass a constitutional amendment known as the "Norris Amendment", providing that such officers shall take office promptly after election, and have sent the same to the House.

Therefore be it resolved: That, we, your memorialists, do earnestly and respectfully pray that the House of Representatives will take similar action at the earliest possible date and present the same to the legislatures of the various States for their adoption, and

Be it further resolved: That the Secretary of State, under the seal of the State of Washington, transmit to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington, and to the legislature of each of the several States, a full, true, and correct copy of this Joint Memorial.

Passed the House January 26, 1927.

RALPH R. KNAPP,
Speaker of the House.

Passed the Senate February 3, 1927.

W. LON JOHNSON,
President of the Senate.

STATE OF WASHINGTON }
COUNTY OF THURSTON } ss

I, J. Grant Hinkle, Secretary of State of the State of Washington, do hereby certify that the foregoing is a full, true and correct copy of House Joint Memorial No. 3 as passed by the twentieth session of the legislature of the State of Washington. Done at Olympia, this 14th day of February, 1927.

J. GRANT HINKLE,
Secretary of State.

House Joint Resolution in relation to the introduction and consideration of bills at this extra session was presented by MR. OZLIN and referred, under Rule 37, to the Committee on Rules.

On motion of MR. SMITH, of *Alexandria*, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

THURSDAY, MARCH 17, 1927

Prayer by Rev. Wm. S. Golden, Pastor, Westminster Presbyterian Church, Richmond, Virginia.

On motion of MR. NORRIS, the reading of the Journal was dispensed with.

THE SPEAKER and Clerk signed the Journal as provided by Rule 3.

House Joint Resolution in relation to the introduction and consideration of bills at this extra session, having been considered by the committee in session, was reported from the Committee on Rules.

The following Joint Resolution:

Whereas, this extra session of the General Assembly was called for specific purposes and the people are expecting the time to be spent in the consideration of the business for which the extra session was called, and not for general legislation.

Now, therefore, resolved by the House of Delegates, the Senate concurring, that no bills shall be introduced or considered at the extra session except local bills and those pertaining to matters presented in messages of the Governor and such other matters as may be ordered by joint resolution agreed to by three-fourths of the members elected to each House, the vote to be taken by ayes and nays; was agreed to.

Ordered that MR. SMITH, *of Alexandria*, carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT, who informed the House that the Senate had agreed to the joint resolution.

MR. BOSCHEN offered the following joint resolution:

Whereas, the General Assembly, consisting of the House of Delegates, and the Senate, have been called in extra session by the Governor, to meet on the 16th day of March, 1927, to consider measures for the reorganization of the State departments, or offices, and to consider the proposed amendments to the Constitution, and

Whereas, the deliberations over these important measures, and the debates thereon will make history for our State, and

Whereas, it is necessary to record the debates which will take place in the House of Delegates and the Senate during the extra session,

Therefore, be it resolved, the House and Senate concurring, That a committee of three (3) members, two (2) appointed by THE SPEAKER of the House of Delegates and one appointed by the PRESIDENT of the Senate, to ascertain what will be the cost of securing sufficient stenographers or experts to take down the debates of the General Assembly, in the House and Senate, daily and transcribe them for publication.

That the committee so appointed shall report to the General Assembly by noon, 12 o'clock, Monday, March 21, 1927; which was agreed to.

Ordered that MR. BOSCHEN carry the resolution to the Senate and request their concurrence.

MR. NORRIS offered the following resolution :

Resolved by the House of Delegates (the Senate concurring), That the General Assembly meet this day at 12:15 o'clock P. M. in joint session to hear addresses by members of the Commission appointed to Suggest Amendments to the Constitution, and that the rules for the government of the Senate and the House of Delegates when convened in joint assembly for such purpose shall be as follows :

1. At the hour fixed for the meeting of the joint assembly, accompanied by the PRESIDENT and Clerk of the Senate, the Senators shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the sergeant-at-arms of the House. THE SPEAKER of the House shall assign an appropriate seat for the PRESIDENT of the Senate.

2. THE SPEAKER of the House shall be PRESIDENT of the joint assembly. In case it shall be necessary for him to vacate the chair, his place shall be taken by the PRESIDENT of the Senate or in his absence, by such member of the joint assembly as THE SPEAKER shall designate.

3. The Clerk of the House shall be Clerk of the joint assembly, and shall be assisted by the Clerk of the Senate. He shall enter the proceedings of the joint assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same on the Journal of the Senate.

4. The sergeant-at-arms, the doorkeepers and pages of the House shall act as such for the joint assembly.

5. The rules of the House of Delegates, so far as practicable, shall be the rules for the joint assembly.

6. In calling the roll of the joint assembly, the names of the Senators shall be called first, in alphabetical order, then the names of the Delegates in like order, except that the name of THE SPEAKER of the House shall be called last.

7. When the joint assembly adjourns, the Senators, accompanied by the PRESIDENT and the Clerk of the Senate, shall return to their chamber and the business of the House shall be proceeded with in the same order as when it was interrupted by the entrance of the Senators; which was agreed to.

Ordered that MR. NORRIS carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT, who informed the House that the Senate had agreed to the joint resolution.

The hour of 12:15 o'clock P. M. having arrived, being the time fixed by the joint resolution to hear the addresses by members of the Commission appointed to Suggest Amendments to the Constitution, the Senate repaired to the Hall of the House of Delegates and was received by the Delegates standing.

The roll of the Senate was called, and the following Senators answered to their names :

Messrs. Ames, Ball, Barksdale, Barron, Beaty, Booker, Buchanan, Connor, Crockett, Denny, Downing, Early, East, Ferguson, Garrett, Goode, Gunn, Haddon,

Holladay, Holt, Kendig, Lembeth, Layman, Lesner, Mills, Noell, Rogers, Smith, W. Worth, Jr., Stubbs, Thompson, Vaughan, Wickham, Willis, Woodson—34.

There were thirty-four Senators present.

The roll of the House of Delegates was called and the following Delegates answered to their names:

Messrs. Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, R. R., Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, C. H., Smith, H. T. Smith, J. S., Sneed, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—94.

There were ninety-four Delegates present.

In response to the invitation Judge Robert R. Prentis, Dr. William Minor Lile, Mr. Robert M. Hughes and Mr. William Meade Fletcher, members of the commission, addressed the joint assembly.

MR. BUCHANAN offered the following resolution:

Resolved, That the joint assembly expresses its thanks to Judge Robert R. Prentis, Dr. William Minor Lile, Mr. Robert M. Hughes and Mr. William Meade Fletcher, for their courtesy in accepting the invitation of the joint assembly to address it and for their presence here today; which was agreed to.

On motion of MR. DOWNING, the joint assembly adjourned *sine die*. Whereupon the Senate repaired to their chamber.

The following were presented and referred under Rule 37:

To the Committee on Privileges and Elections:

By MR. HALL: A bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170, and section 186 of the Constitution of Virginia.

To the Committee on Special, Private and Local Legislation:

By MR. SAUNDERS: A bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled "an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926.

By MR. SAUNDERS: A bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, main-

tenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein.

By MR. WITTEN: A bill to amend an act entitled "an act to incorporate the town of Graham, in the county of Tazewell," approved January 28, 1884, as amended by an act approved March 10, 1910 (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924), by adding thereto a new section to be numbered section 11.

By MR. HARMAN: A bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia on February 28, 1920.

By MR. HAILEY: A bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the acts of 1926.

By MR. MOORE: A bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended.

By MR. MOORE: A bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled an act to provide a charter for the town of Lexington, by adding a new section thereto, to be known as section 21-A, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year.

On motion of MR. SMITH, of *Alexandria*, the House adjourned.

THOS. W. OZLIN,

Speaker of the House of Delegates.

JOHN W. WILLIAMS,

Clerk of the House of Delegates.

FRIDAY, MARCH 18, 1927

Prayer by Rev. Wm. S. Golden, Pastor, Westminster Presbyterian Church, Richmond, Virginia.

On motion of MR. REW, the reading of the Journal was dispensed with.

THE SPEAKER and Clerk signed the Journal as provided by Rule 3.

THE SPEAKER laid before the House the following communications:

March 18, 1927.

Honorable THOS. W. OZLIN,
Speaker of the House,
Richmond, Virginia.

DEAR MR. OZLIN:

The members of the Chamber of Commerce of Petersburg, Virginia, request the honor of the presence of all the members of the House of Delegates at a dinner to be given at the Armory, on March 25, 1927, at 7 P. M., on occasion of which Brigadier General H. M. Lord, Director of the United States Bureau of the Budget, will deliver an address on "The Nation's Business."

Transportation to Petersburg by the interurban railroad will be provided leaving Richmond at 2:45 P. M. from 9th and Grace streets, returning to Richmond leaving Petersburg at 9:40 P. M., from the Electric Building, with the compliments of our Chamber of Commerce.

Individual invitations have been mailed to the Senators as well as to the members of the House of Delegates.

Will you please do us the favor to call this invitation to the attention of the members of the House?

Cordially yours,

DAN S. HOLLENGA,
Business Manager.

RICHMOND, VIRGINIA, *March 17, 1927.*

*The committee on arrangements for the celebration of the Virginia Convention of March, 1775, request the General Assembly of Virginia to be present at the City Auditorium on the night of March 24, 1927, where seats have been reserved for them to see the famous Convention in session.

Respectfully,

ROSWELL PAGE,
General Chairman.

MR. JEFFREYS offered the following joint resolution accepting invitations from the Petersburg Chamber of Commerce and Mr. and Mrs. David A. Lyon.

Resolved by the House of Delegates, the Senate concurring, That the invitation of the Petersburg Chamber of Commerce to the General Assembly to attend a dinner in Petersburg on Friday evening, March 25th, on which occasion General H. M. Lord, Director of the United States Budget, will make an address, be accepted.

And be it further resolved, That the invitation of Mr. and Mrs. David A. Lyon to the General Assembly to visit Pine Gardens on which are located the Confederate Tunnels and Battlefield Park, on the afternoon of Friday, March 25th, be, and the same is hereby, accepted,

And be it further resolved, That the appreciation and thanks of the members of the General Assembly be, and the same are hereby, extended to the Chamber of Commerce of Petersburg and to Mr. and Mrs. David A. Lyon for the aforesaid invitations.

Be it further resolved, That a copy of these resolutions be sent to the Chamber of Commerce of the city of Petersburg and to Mr. and Mrs. David A. Lyon, which was agreed to.

Ordered that MR. JEFFREYS carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. KENDIG, who informed the House that the Senate had agreed to the resolution.

MR. FOLKES offered the following resolution:

Resolved that the House of Delegates accept with thanks the invitation of the committee on arrangements for the celebration of the Virginia Convention of 1775 for the night of March 24, 1927; which was agreed to.

MR. BEAR offered the following resolution:

Resolved that when the House adjourns today, it adjourn to meet Monday, March 21, 1927, at 12 o'clock M; which was agreed to.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, March 18, 1927.

To the General Assembly of Virginia:

I respectfully call your attention to the fact that the report of the Commission to Suggest Amendments to the Constitution includes certain amendments heretofore passed by the General Assembly of Virginia and which do not necessarily require action by you at this special session. Such amendments were included in the Prentis report for the sake of harmony and completeness.

Three of these amendments were initiated by the General Assembly of 1924 and agreed to by the General Assembly of 1926, as follows:

Section 22, providing for the exemption of a wife or widow of any person serving during the late war between the States from the payment of a poll tax.

Section 170, making the following change: In lieu of the last sentence of this section, the following is substituted: "Except in cities and towns, and counties having a population greater than five hundred inhabitants per square mile, as shown by the United States census, no taxes or assessments, for local public improvements, shall be imposed on abutting landowners. This amendment is intended to include in its provision only the county of Arlington in addition to cities and towns.

Section 186, providing for a change in the appropriation year.

Of these three amendments only section 170 was changed in the report of the Prentis Commission.

While these amendments, initiated in 1924, were agreed to by the General Assembly of 1926, no bill of submission was passed, this requiring a bill of submission at this special session if the amendments are to be voted upon in the election of this fall.

Certain other amendments were initiated by the General Assembly of 1926 and will automatically come before the General Assembly of 1928, and unless changes are recommended by the Commission to Suggest Amendments to the Constitution or unless changes are desired to be made by you, such amendments need not be considered by you at this special session. Amendments initiated by the General Assembly of 1926, and remaining unchanged in the report of the Prentis Commission, are as follows:

Section 81, providing for the appointment in lieu of election of a State Treasurer, with the proviso that after February 1, 1932, the General Assembly may determine whether he be elected or appointed.

Section 131, providing for the appointment in lieu of election of a Superintendent of Public Instruction, with the proviso that after February 1, 1932, the General Assembly may determine whether he be elected or appointed.

Section 145, providing for the appointment in lieu of election of a Commissioner of Agriculture, with the proviso that after February 1, 1932, the General Assembly may determine whether he be elected or appointed.

Section 152, providing for the abolition of the office of Commissioner of State Hospitals.

Section 171, providing that no State tax for State purposes shall be levied on real estate or tangible personal property. This is commonly known as the segregation tax amendment.

These five amendments, unchanged by the Prentis report, will be before the General Assembly of 1928 for decision and that General Assembly can consider and determine the method of submission of the Constitutional amendments for popular vote in 1928.

I take the liberty of sending this message to you to recommend first, that a bill of submission be passed by you so that the three amendments initiated in 1924 and approved in 1926, namely, sections 22, 170, and 186, may be submitted to popular vote; and second, to call your attention to the fact that five amendments initiated by the General Assembly of 1926, and unchanged by the report of the Prentis Commission, namely, sections 81, 131, 145, 152, and 171, do not require your action at this time, as these amendments will automatically come before the General Assembly of 1928 for adoption or rejection.

The numbers of the sections I have mentioned are the numbers of the present sections of the Constitution and not the new numbers assigned to such sections by the Prentis report.

Respectfully submitted,

H. F. BYRD,
Governor of Virginia.

The following were presented and referred under Rule 37:

To the Committee for Courts of Justice:

By MESSRS. PRICE and BREWER: A joint resolution proposing amendment to the Constitution of Virginia.

To the Committee on Special, Private and Local Legislation:

By MR. WOOD: A bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency.

By MESSRS. SAVEDGE and HORNER: A bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge.

By MR. MASSENBURG: A bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

By MR. JOHNSON: A bill authorizing the James River Bridge Corporation, its successors and assigns, to construct, maintain and

operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river.

On motion of MR. MOFFETT, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

MONDAY, MARCH 21, 1927

Prayer by Rev. W. R. Flannagan, pastor North Side Baptist Church, Richmond, Virginia.

On motion of MR. HAILEY, the reading of the Journal was dispensed with.

THE SPEAKER and Clerk signed the Journal as provided by Rule 3.

A bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such district. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman.*

The bill was referred to the Committee on Counties, Cities and Towns.

A bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled "an act to provide a charter for the town of Lexington," by adding a new section thereto, to be known as section 21-a, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman.*

The bill was referred to the Committee on Counties, Cities and Towns.

A bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled "an act to provide for the creation of sanitary districts in

counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts," approved March 17, 1926; having been considered by the Jount Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

A bill to amend and re-enact sections 1 and 17 of an act entitled "An act to provide for opening new roads; and building bridges, and working and keeping in repair the public roads and bridges in Rock-bridge county," approved March 3, 1894, as heretofore amended; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

A bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

A bill to amend and re-enact section 13 of an act entitled "An act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia, on February 28,

1920; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

A bill to amend an act entitled "An act to incorporate the town of Graham, in the county of Tazewell," approved January 28, 1884, as amended by an act approved March 10, 1910 (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924) by adding thereto a new section to be numbered section 11; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

A bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

A bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the

purpose of heating said jail and the courthouse of said county; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

A bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

MR. SAUNDERS offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That the General Assembly meet this day at 12:30 o'clock P. M. in joint session to receive the Governor of Virginia and such communications as he may desire to make and that the rules for the government of the Senate and House of Delegates when convened in joint assembly for such purpose shall be as follows:

1. At the hour fixed for the meeting of the joint assembly, accompanied by the President and Clerk of the Senate, the senators shall proceed to the hall of the House of Delegates and shall be received by the delegates standing. Appropriate seats shall be assigned to the senators by the sergeant-at-arms of the House. THE SPEAKER of the House shall assign an appropriate seat for the PRESIDENT of the Senate.

2. THE SPEAKER of the House shall be PRESIDENT of the joint assembly. In case it shall be necessary for him to vacate the chair, his place shall be taken by the PRESIDENT of the Senate, or in his absence, by such member of the joint assembly as THE SPEAKER may designate.

3. The Clerk of the House shall be the Clerk of the joint assembly, and shall be assisted by the Clerk of the Senate. He shall enter the proceedings of the joint assembly in the journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same on the journal of the Senate.

4. The sergeant-at-arms, the doorkeepers and pages of the House shall act as such for the joint assembly.

5. The rules of the House of Delegates, so far as practicable shall be the rules of the joint assembly.

6. In calling the roll of the joint assembly, the names of the senators shall be called first, in alphabetical order, then the names of the delegates in like order, except the name of THE SPEAKER of the House shall be called last.

7. If when the joint assembly meets, it shall be ascertained that a majority of each house is not present, the joint assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

8. When the joint assembly adjourns, the senators, accompanied by the PRESIDENT and Clerk of the Senate, shall return to their chamber and the business of the House shall be proceeded with in the same order as when it was interrupted by the entrance of the senators; which was agreed to.

Ordered that MR. SAUNDERS carry the joint resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT who informed the House that the Senate had agreed to the joint resolution.

The hour of 12:30 o'clock P. M. having arrived, being the time fixed by the joint resolution to receive the Governor of Virginia, the Senate repaired to the hall of the House of Delegates, and was received by the delegates standing.

The roll of the Senate was called, and the following senators answered to their names:

Messrs. Ames, Ball, Barksdale, Barron, Beaty, Booker, Buchanan, Connor, Crockett, Denny, Downing, Early, East, Ferguson, Garrett, Goode, Gunn, Haddon, Holladay, Holt, Jeffreys, Johnson, Kendig, Layman, Lesner, Mills, Noell, Rogers, Smith, W., Worth, Jr., Stubbs, Swank, Thompson, Vaughan, Wickham, Woodson—35.

There were thirty-five senators present.

The roll of the House of Delegates was called and the following delegates answered to their names:

Messrs. Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Tuck, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—86.

There were eighty-six delegates present.

MR. FERGUSON offered the following resolution:

Resolved, That THE SPEAKER appoint a committee of three, composed of two delegates and one senator, to notify the Governor that

the joint assembly is duly organized and ready to receive any communication he may desire to make; which was agreed to.

THE SPEAKER appointed MESSRS. FERGUSON, GEORGE and NORRIS the committee.

The committee subsequently presented the Governor, who was formally received by the joint assembly.

The Governor addressed the joint assembly as follows:

(Governor's address printed as Senate Document No. 3.)

On motion of Senator JEFFREYS, the joint assembly adjourned sine die; whereupon the Senate repaired to its chamber.

The following were presented and referred under Rule 37:

To the Committee on the Chesapeake and its Tributaries:

By MR. JOHNSON: A bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia in relation to oysters and clams.

By MR. MASSENBURG: A bill to amend and re-enact section 3293 of the Code of Virginia regulating the taking of clams.

By MR. MASSENBURG: A bill to amend and re-enact section 3224 of the Code of Virginia in relation to oyster ground.

By MR. JOHNSON: A bill to amend and re-enact an act entitled "An act requiring all oysters from the public rocks of the Commonwealth to be inspected when loading on vessels; measurements, tax; penalties," approved March 24, 1926.

To the Committee on Schools and Colleges:

By MR. BARTON: A bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect.

To the Committee on Counties, Cities and Towns:

By MR. SPEERS: A bill to amend the Code of Virginia by adding thereto a new section to be numbered section 1771-A, which new section relates to the sale of land for delinquent drainage assessments; to redemption of, and deeds for lands so sold.

To the Committee on Special, Private and Local Legislation:

By MR. BROWN: A bill to authorize the Council of the town of Vinton, in Roanoke county, to levy a tax for the purpose of providing funds for the purchase of a high school site in said town.

By MR. SAVEDGE: A bill to amend an act entitled "An act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city," approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to

develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers.

By MR. MASSENBURG: A bill to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds.

By MESSRS. SPEERS and DAVIS: A bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors.

On motion of MR. ADAMS, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

TUESDAY, MARCH 22, 1927.

Prayer by Rev. W. R. Flannagan, pastor Northside Baptist Church, Richmond, Virginia.

On motion of MR. GRAHAM, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

No. 1 House bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170, and section 186 of the Constitution of Virginia; having been considered by the committee in session was reported from the Committee on Privileges and Elections.

House bill to amend an act entitled "An Act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city," approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the

rights, powers and duties of any dock commission created by said city for the exercise of such powers; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

House bill to authorize the council of the town of Vinton, in Roanoke county, to levy a tax for the purpose of providing funds for the purchase of a high school site in said town; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000.00 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation

respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to authorize the city of Hopewell to construct a draw-bridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

MR. FOLKES offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That the old hall of the House of Delegates be set apart for the use of and under the control of the House of Delegates; and the old Senate chamber be set apart for the use of and under the control of the Senate, which was agreed to.

Ordered that MR. FOLKES carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. GUNN, who informed the House that the Senate had agreed to the joint resolution.

MR. FOLKES offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That the families of the late Edward W. Saunders and Richard E. Byrd, former Speakers of the House of Delegates, are authorized to place the portraits of these deceased gentlemen in the old hall of the House of Delegates, subject to the approval of the Governor and the Art Commission, which was agreed to.

Ordered that MR. FOLKES carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. GUNN, who informed the House that the Senate had agreed to the joint resolution.

MR. HALL offered the following House joint resolution:

Resolved by the House of Delegates, the Senate concurring, That the State Tax Commission be, and it is hereby, directed to investigate the subject of the taxation of public service corporations in Virginia, and report to the General Assembly at its session of nineteen hundred and twenty-eight facts and figures which the General Assembly may consider in determining whether or not such public service corpora-

tions, and each class thereof, are paying their fair share of the taxes, State and local, which was agreed to.

The following were presented and referred under rule 37:

To the Committee on Roads and Internal Navigation:

By MESSRS. SHRADER and JONES, *of Spotsylvania*: A bill to amend and re-enact sections 3 and 4 of chapter 107 of the Acts of 1923 entitled "An act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties," approved March 26, 1923, section 4 of which was amended by an act approved March 21, 1924, and sections 3 and 4 together with certain other sections of which were amended by an act approved March 10, 1926.

By MR. BROWN, *of Roanoke*: A bill to amend and re-enact section 7 of an act entitled an act to create a State Highway Commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924.

To the Committee on the Chesapeake and its Tributaries:

By MR. MASSENBURG: A bill to amend and re-enact section 3242 of the Code of Virginia in relation to oyster ground.

To the Committee on Militia and Police:

By MR. WALLER: A bill to authorize the Military Board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand (\$12,000.00) dollars in addition thereto, upon

such conditions as the State Military Board may deem advisable; to authorize the Military Board to use the said sum of twelve thousand (\$12,000.00) dollars for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said Military Board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the Military Board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926.

To the Committee on Special, Private and Local Legislation:

By MR. DOOSING: A bill to prohibit the killing, catching or taking of fish from the waters of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod.

By MR. MALBON: A bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers lists of uncollectible taxes and delinquents, relating to the county of Princess Anne.

By MESSRS. BOYD and BIRD, *of Russell*: A bill to amend and re-enact section 2726 of the Code of Virginia as amended by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell.

By MESSRS. WITTEN, WESSON, HAILEY and COLE: A bill to amend and re-enact an act entitled "An act for the protection of foxes or other fur bearing or hair bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell, Washington and Chesterfield counties, and to provide punishment for the violation thereof," approved March 24, 1926.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 1 House bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170 and section 186 of the Constitution of Virginia, was read at length a first time and ordered to be printed.

On motion of MR. WOOD, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

WEDNESDAY, MARCH 23, 1927

Prayer by Rev. W. R. Flannagan, Pastor, Northside Baptist Church, Richmond.

On motion of MRS. BOOKER, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

The following house bills having been considered by the committee in session were reported from the Committee on Roads and Internal Navigation:

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river.

No. 3. House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors.

No. 4. House bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended.

No. 5. House bill to amend and re-enact section 7 of an act entitled an act to create a State Highway Commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State, and to prescribe penalties for the

violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924.

The following house bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 6. House bill to amend the Code of Virginia by adding thereto a new section to be numbered section 1771-A, which new section relates to the sale of land for delinquent drainage assessments; to redemption of, and deeds for land so sold.

No. 7. House bill to amend an act entitled "An act to incorporate the town of Graham, in the county of Tazewell," approved January 28, 1884, as amended by an act approved March 10, 1910, (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924) by adding thereto a new section to be numbered section 11.

No. 8. House bill to amend an act entitled "An act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city," approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers.

No. 9. House bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during the session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

No. 10. House bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia, on March 16, 1910, as amended by an act approved by the General Assembly of Virginia, on February 28, 1920.

No. 11. House bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled "An act to provide a charter for the town of Lexington," by adding a new section thereto, to be known as section 21-A, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in

anticipation of the collection of the revenue of said town, for the then current year.

House bill to amend and re-enact an act entitled "An act for the protection of foxes or other fur bearing or hair bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell, Washington and Chesterfield counties, and to provide punishment for the violation thereof," approved March 24, 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the house with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the house with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Finance.

House bill to prohibit the killing, catching or taking of fish from the waters of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the house with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact section 2726 of the Code of Virginia as amended by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the house with the following report:

The Joint Committee on Special, Private and Local Legislation

respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Finance.

THE SPEAKER laid before the house the following communication from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,

RICHMOND March 23, 1927.

To Members of the General Assembly of Virginia:

In accordance with an act, approved March 24, 1926, providing for the restoration to its former condition, as far as possible, of that portion of the Capitol building formerly constituting the hall of the House of Delegates, and for the removal of the exhibits therein, and authorizing the placing of tablets and paintings therein, and appropriating the sum of five hundred dollars for the removal of said exhibits, I beg leave to advise you that this hall has now been cleared of the exhibits as provided therein.

I respectfully call your attention to this matter for any further action that you may desire to take concerning the use and restoration of the hall.

Respectfully yours,

HARRY F. BYRD,
Governor.

MRS. FAIN offered the following resolution:

Whereas, it has come to the knowledge of the General Assembly that the library of the Ancient Middle Temple of the Inns of Court does not contain a set of the official reports of the Virginia Court of Appeals, and that a set of the reports will be highly appreciated, not only from the standpoint of utility, but of sentiment, if officially presented by the State of Virginia;

Now, therefore, be it resolved, by the House of Delegates, the Senate concurring, that the Governor be authorized and requested to use any set of the official Virginia Reports belonging to the State that can be spared, or, if no such reports are available, to acquire a set through gift, or through purchase from the contingent or other funds available, and to make formal presentation of the same in the name of the Commonwealth of Virginia to the Ancient Middle Temple of the Inns of Court, which was agreed to.

Ordered that MRS. FAIN carry the resolution to the Senate and request their concurrence.

MR. DOVELL offered the following joint resolution:

Whereas, the United States has evinced a purpose to store within the State of Virginia large quantities of high explosives, having already transferred from points outside of Virginia to the Navy Mine Depot at Yorktown eleven million pounds of T.N.T., and

Whereas, there is pending in Congress a bill providing for the removal of a large quantity of explosives from Briton, N. J., to the Pig Point Arsenal on Hampton Roads, and

Whereas, neither point has an area of land sufficient to meet the standard set by the Navy Department for the safe storing of explosives, and

Whereas, the Navy Department representatives appeared before the House Committee of Congress on January 12, 1927, and asked for an appropriation to cover the repairs at Lake Denmark Ammunition Depot *"and the removal of high explosives from other ammunition depots, and their transfer to Yorktown,"* and

Whereas, at the time of asking for such appropriation the Navy Department had caused theretofore to be brought to the Navy Mine Depot at Yorktown eleven million pounds of T.N.T. and stored same in open fields, this in addition to a large quantity of dynamite, explosive "D," aerial bombs and depth charges, already stored at that point, and

Whereas, after the destructive explosions at Lake Denmark, New Jersey, in July nineteen hundred and twenty-six, a Naval Board of Inquiry found that lightning struck within the depot and three explosions followed, with destructive fires, that nineteen persons were killed and fifty injured, the effect of these explosions extended in one direction twenty-one miles and in another six miles, and this board made findings of fact, and gave opinions as to the cause, and made recommendations and findings—

(2) That there is at present no well tried out generally approved system which can absolutely guarantee the protection of a surface building against lightning, and that lightning therefore remains a serious menace to surface buildings containing explosives.

(7) That as a result of the sudden close of the war greater stocks of munitions than anticipated were left on hand.

(8) That as different explosives act differently, and even the same explosive, in different containers, may act in different ways, the segregation of explosives by types of containers, as well as by kinds, is very necessary, and

Whereas, the Court of Inquiry made sundry recommendations, among others, *"That Congress be asked at its next session to provide two ammunition depots for the storage of high explosives. One of these depots to be within a radius of one thousand miles of the Pacific coast and one on the East coast * * ** The land provided to be either government-owned or cheap barren land, covering an area of *at least one hundred square miles*, and allowing an unoccupied safety zone of two miles," and

Whereas, the United States by proclamation of the President, under authority of an act of Congress, approved July first, nineteen hundred and eighteen, took in York county 11,000 acres of land for the Navy Mine Depot, thereafter making compensation to the owners thereof, and the State of Virginia by act of General Assembly ceded exclusive legislative jurisdiction over same to the United States. (Acts 1916, page 568) and

Whereas, the 11,000 acres or 18 square miles at Yorktown, is less than one-fifth of the area determined to be necessary for the safe

storage of high explosives by the Board of Inquiry, and only utilized for the reason that the Navy Department admitted it was unable to locate a site remote from the sea coast, and this department without authority of law removed from other points to Yorktown and there stored in open fields 11,000,000 pounds of T.N.T. and a large quantity of what is called explosive "D," and

Whereas, it is proposed to continue the storage of these explosives at Yorktown, and by reason of the limited area, the storage to be within one-half mile of the boundary of the depot, and

Whereas, the Yorktown depot is not an isolated or segregated district it touches the right of way of the main line of the Chesapeake and Ohio Railway Company, borders in part the concrete highway from Richmond to Newport News, and the Tidewater Trail from Lee Hall to Yorktown, is bounded on the northeast by the depot area. The Yorktown Monument, the Nelson House, the First Custom House in America, and other historic buildings are within a mile while Williamsburg, with State-owned College of William and Mary, having 1,000 students and more than \$2,000,000 invested, the Virginia Eastern State Hospital for the Insane, a progressive and growing city, is within the danger zone. The commerce of York river passes within one-half mile. Jamestown about four miles away. The water works and reservoir of the city of Newport News and the lower peninsular lie in close proximity. Rich farm lands and farm homes border the whole area, and at this time a well defined development is seen in all contiguous territory, and

Whereas, unless the menace now existing be removed and assurance be given that no further attempt will be made on the part of the United States to make a high explosive depot at this point; that the continued prosperity and progress of the State will be seriously affected, the lives of its citizens be subjected to continued hazards that building and development in the territory adjacent to the depot will be abandoned, lands and homes rendered valueless, taxables decreased, State revenue affected, private property destroyed and "the enjoyment of life and liberty, with the means of acquiring property, and pursuing and obtaining happiness and safety" inherent and inalienable rights of a free people, be thrust aside.

Now, therefore, be it resolved by the House of Delegates, the Senate concurring;

1. That the attempt of the United States to store explosives at the Yorktown Naval Mine Depot, in the quantities recited herein, against the finding of its own experts and officers, has created thereby a lasting menace to the health and lives of Virginia citizens, to the property rights of her people and of the State.

2. That the United States has neither the legal nor the moral right to employ and use this area for the purposes above set forth.

3. That the General Assembly of Virginia notes with deep concern the attempt on the part of the Federal government to make of Virginia a dumping ground for surplus explosives of the late war, particularly at Yorktown and Pig Point.

4. We submit the foregoing facts and circumstances to the Governor of Virginia, and request that such proceedings as may be necessary to cause the United States to desist from further storage of high explosives in large quantities at Yorktown, to remove from the said area the 11,000,000 pounds of T.N.T. and explosive "D" and to prevent the United States from converting Pig Point into a high explosive depot; believing, as we do, that the reserved police power of the State may be invoked to that end, which was agreed to.

Ordered that MR. DOVELL carry the resolution to the Senate and request their concurrence.

A message was received from the Senate, by MR. HOLT, who informed the house that the Senate had agreed to the resolution.

The following bills were presented and referred under rule 37:

To the Committee on Appropriations:

By MR. OZLIN: A bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol Building.

By MR. YOUNG: A bill to amend and re-enact section 2 of an act entitled "An act to provide increased Confederate pensions," approved March 13, 1926.

To the Committee on Militia and Police:

By MESSRS. BARTON and WALLER: House joint resolution to authorize the Governor of Virginia to receive certain funds from the Secretary of War of the United States and to make distribution of the same.

To the Committee on Agriculture and Mining:

By MESSRS. BARTON, BOLLING, WALLER, MOFFETT and BEAR: A bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor.

To the Committee on Roads and Internal Navigation:

By MR. HORNER (by request): A bill to provide how the revenues derived from the gasoline tax allotted to the counties for the maintenance and construction of the county highway system is to be apportioned to certain incorporated towns located in counties adjoining a city having a population according to the last preceding United States census of 170,000 inhabitants or more.

By MR. OZLIN: A bill to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide

an optional biennial license system for certain motor vehicles; to provide for the disposition of the revenue derived from this act; to prescribe the powers and duties of the Director of the Division of Motor Vehicle Licensing of the Department of Finance; to provide penalties, and to repeal an act entitled "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

To the Committee on the Chesapeake and its Tributaries:

By MR. REW: A bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry this act into effect.

To the Committee on Special, Private and Local Legislation:

By MESSRS. DAVIS and SPEERS: A bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

By MESSRS. DAVIS and SPEERS: A bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

By MR. WITTEN: A bill to amend and re-enact an act entitled "An act for the protection of fish in the waters of Tazewell county," approved February 27, 1926.

The morning hour having expired, the house proceeded to the business on the calendar.

The following house bills were read at length a first time and ordered to be printed:

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river.

No. 3. House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and

bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors.

No. 4. House bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended.

No. 5. House bill to amend and re-enact section 7 of an act entitled an act to create a State Highway Commission, to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906, to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State, and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924.

No. 6. House bill to amend the Code of Virginia by adding thereto a new section to be numbered section 1771-A, which new section relates to the sale of land for delinquent drainage assessments; to redemption of, and deeds for land so sold.

No. 7. House bill to amend an act entitled "An act to incorporate the town of Graham, in the county of Tazewell," approved January 28, 1884, as amended by an act approved March 10, 1910, (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia; by an act approved March 14, 1924) by adding thereto a new section to be numbered section 11.

No. 8. House bill to amend an act entitled "An act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the

permanent improvement and government of said city," approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers.

No. 9. House bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during the session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

No. 10. House bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia, on March 16, 1910, as amended by an act approved by the General Assembly of Virginia, on February 28, 1920.

No. 11. House bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled "An act to provide a charter for the town of Lexington," by adding a new section thereto, to be known as section 21-A, providing for the issuance of notes, certificates of indebtedness, revenue bonds or other obligations in anticipation of the collection of the revenue of said town, for the then current year.

No. 1. House bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170 and section 186 of the Constitution of Virginia; having been printed was read at length a second time and ordered to be engrossed.

On motion of MR. SMITH of *Alexandria*, the house adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

THURSDAY, MARCH 24, 1927

Prayer by Rev. W. R. Flannagan, Pastor, Northside Baptist Church, Richmond, Virginia.

On motion of MR. WRIGHT of *Essex* the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 23, 1927.

The Senate has passed Senate bills entitled an act to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926, No. 2; an act creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein, No. 3; an act to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties, No. 6; an act authorizing the boards of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriations for the expenses of the judge of the thirty-fourth judicial circuit, No. 7; an act to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars; and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county, No. 8; an act to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors, No. 12; and an act to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors,

No. 14; in which they request the concurrence of the House of Delegates.

Nos. 2, 3, 6, 7, 8, 12 and 14 Senate bills were referred to the Committee on Counties, Cities and Towns.

No. 12. House bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

No. 13. House bill to authorize the Military Board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand (\$12,000.00) dollars in addition thereto, upon such conditions as the State Military Board may deem advisable; to authorize the Military Board to use the said sum of twelve thousand (\$12,000.00) dollars for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said Military Board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the Military Board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926 approved March 24, 1926; having been considered by the committee in session was reported from the Committee on Militia and Police.

The following house bills having been considered by the committee in session were reported from the Committee on Schools and Colleges:

No. 14. House bill to authorize the council of the town of Vinton in Roanoke county to levy a tax for the purpose of providing funds for the purchase of a high school site in said town.

No. 15. House bill to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000.00 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect.

No. 17. House bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the

collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency.

No. 18. House bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926.

House joint resolution to authorize the Governor of Virginia to receive certain funds from the Secretary of War of the United States and to make distribution of the same, having been considered by the committee in session was reported from the Committee on Militia and Police.

MR. SMITH of *Alexandria* offered the following resolution:

Resolved that when the house adjourns tomorrow, Friday, March 25, 1927, it adjourn to meet Monday, March 28, 1927, at 12 o'clock M., which was agreed to.

THE SPEAKER laid before the house

House joint resolution to authorize the Governor of Virginia to receive certain funds from the Secretary of War of the United States and to make distribution of the same as follows:

Whereas, it has been duly made known to the proper authorities of this State that the Secretary of War of the United States has in his possession, as trustee, certain moneys known as "Other Funds" which had been collected for their own use and benefit by certain National Guard organizations that were broken up as units for or as the result of service in the World War, and have not been reconstituted; and

Whereas, it further appears that the Secretary of War, as trustee, desires to turn over to a substitute trustee, duly authorized by this State, such portion of the said funds as equitably belongs to the National Guard of this State.

Now, therefore, be it resolved by the House of Delegates (the Senate concurring) that the Governor is hereby authorized to receive such funds as trustee, and to distribute them for the benefit of the National Guard of this State, in such manner as his judgment shall dictate, which was agreed to.

Ordered that MR. BARTON carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. BARKSDALE, who informed the house that the Senate had agreed to the resolution.

MR. BEAR offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, that permission be and the same is hereby granted for the introduction and consideration of

House bill to require purely mutual building and loan associations to create and maintain a reserve fund for protection against losses and providing a maximum and minimum amount of said reserve fund, which was agreed to—ayes, 67; nays, 8.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Coiner, Cole, Davis, Doosing, Dovell, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Jesse, Jordan, Keezell, Kelly, Lyon, Malbon, Massenburt, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Savedge, Shrader, Sinclair, Smith, H. T., Smith, J. S., Sneed, Speers, Taylor, Topping, Tuck, Vellines, Warren, Geo. M., Watkins, Watts, Wesson, Witten, Wood, Wright, W. A., Young, Mr. Speaker—67.

NAYS—Bolton, Boyd, E. T., Fuller, Jeffreys, Mason, Smith, C. H., Warren, C. R., Warren, L. E.—8.

The following were presented and referred under rule 37:

To the Committee on Roads and Internal Navigation:

By MESSRS. BOWLES and OZLIN: A bill to amend and re-enact sections 3, 4 and 7 of an act entitled "An act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties;" approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by acts approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicle fuels and to prescribe penalties.

To the Committee on Special, Private and Local Legislation:

By MR. GRAVES: A bill making it unlawful for any person to permit dogs to run at large in Orange and Madison counties during the months of May, June and July of each year.

By MR. JOHNSON: A bill to amend and re-enact sections 2, 10 and 12, of an act entitled "An act to incorporate the town of Windsor, in the county of Isle of Wight," approved March 15, 1902, section 12 of which as heretofore amended.

By MR. WARREN (of Pittsylvania): A bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00 and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity.

By MR. ALLMAN: A bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year.

The morning hour having expired, the house proceeded to the business on the calendar.

The following house bills were read at length a first time and ordered to be printed.

No. 12. House bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge.

No. 13. House bill to authorize the Military Board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand (\$12,000.00) dollars in addition thereto, upon such conditions as the State Military Board may deem advisable; to authorize the Military Board to use the said sum of twelve thousand (\$12,000.00) dollars for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said Military Board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the Military Board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926 approved March 24, 1926.

No. 14. House bill to authorize the council of the town of Vinton in Roanoke county to levy a tax for the purpose of providing funds for the purchase of a high school site in said town.

No. 15. House bill to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000.00 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect.

No. 17. House bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency.

No. 18. House bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926.

No. 1. House bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170 and section 186 of the Constitution of Virginia, was read at length a third time and passed—ayes, 75; nays, 8.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Gary, George, Gordon, Graham, Hailey, Hall, Hamner, Hanes, Harman, Jeffreys, Jesse, Johnson, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris,

Page, Parker, W. A., Pierce, Ramey, Rew, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Tuck, Vellines, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Boyd, I. C., Folkes, Fuller, Graves, Jones, J. P., Jordan, Warren, C. R., Warren, L. E.—8.

MR. HALL moved to reconsider the vote by which the bill was passed, which was rejected.

The following house bills having been printed, were read at length a second time and ordered to be engrossed.

No. 3. House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money, by the issuance of bonds, in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors.

No. 4. House bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads, and building bridges and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended.

No. 7. House bill to amend an act entitled an act to incorporate the town of Graham, in the county of Tazewell, approved January 28, 1884, as amended by an act approved March 10, 1910 (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924) by adding thereto a new section to be numbered section 11.

No. 10. House bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia, on February 28, 1920.

No. 11. House bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled an act to provide a charter for the town of Lexington, by adding a new section thereto, to be known as section 21-a, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year.

No. 8. House bill to amend an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so

as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers.

No. 9. House bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county, was on motion of MR. MASSENBURG dismissed.

On motion of MR. SMITH of *Alexandria*, the house adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

FRIDAY, MARCH 25, 1927

Prayer by Rev. W. R. Flannagan, Pastor, Northside Baptist Church, Richmond, Virginia.

On motion of MR. RODGERS, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

No. 19. House bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol Building; having been considered by the committee in session was reported from the Committee on Appropriations.

The following house bills having been considered by the committee in session were reported from the Committee on Finance.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia as amended, by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell.

No. 21. House bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and

Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples, the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor; having been considered by the committee in session were reported from the Committee on Agriculture and Mining.

The following house bills having been considered by the committee in session were reported from the Committee on the Chesapeake and its Tributaries:

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia regulating the taking of clams.

No. 24. House bill to amend and re-enact section 3242 of the Code of Virginia in relation to oyster ground.

No. 25. House bill to amend and re-enact section 3224 of the Code of Virginia in relation to oyster ground.

No. 26. House bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia in relation to oysters and clams.

No. 1. House joint resolution, proposing amendments to the Constitution of Virginia, having been considered by the committee in session, was reported from the Committee for Courts of Justice.

The following were presented and referred under rule 37:

To the Committee on Finance:

By MR. PAGE: A bill to amend the tax bill, as heretofore amended, by adding thereto two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes.

To the Committee on Counties, Cities and Towns:

By MESSRS. MOORE, MOFFETT, COINER, JONES (*of Highland*) BOLLING, WATTS and SNEAD: A bill to amend and re-enact section 2 of an act entitled "An act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities, which adopt the provisions of this act," approved March 14, 1918.

To the Committee for Courts of Justice:

By MR. GORDON: A joint resolution proposing amendments to sections 42 and 46 of the Constitution of Virginia.

To the Committee on Special, Private and Local Legislation:

By MR. DOVELL: A bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable.

By MR. SAVEDGE: A bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled "An act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county," approved February 9, 1916; and further to repeal an act entitled "An act requiring each local road board in the county of Surry to publish annually detailed statement showing the receipts and expenditures of public money for highway construction and maintenance in the respective magisterial districts, and providing a penalty for failure," approved March 24, 1926.

The morning hour having expired, the house proceeded to the business on the calendar.

The following house bills were read at length a first time and ordered to be printed.

No. 19. House bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol Building.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia as amended, by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell.

No. 21. House bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of same; to provide for the inspection of apples, the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor.

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia regulating the taking of clams.

No. 24. House bill to amend and re-enact section 3242 of the Code of Virginia in relation to oyster ground.

No. 25. House bill to amend and re-enact section 3224 of the Code of Virginia in relation to oyster ground.

No. 26. House bill to amend and re-enact section 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia in relation to oysters and clams.

The following house bills were read at length a third time and passed:

No. 3. House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money, by the issuance of bonds, in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors—ayes, 75; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Vellines—1.

No. 4. House bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

No. 7. House bill to amend an act entitled an act to incorporate the town of Graham, in the county of Tazewell, approved January 28, 1884, as amended by an act approved March 10, 1910 (the name of

the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924) by adding thereto a new section to be numbered section 11—ayes, 79; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—0.

No. 8. House bill to amend an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers—ayes, 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 10. House bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia, on February 28, 1920—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B.,

Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Witten, Wood, Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 11. House bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled an act to provide a charter for the town of Lexington, by adding a new section thereto, to be known as section 21-a, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year—ayes, 75; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Witten, Wood, Wright, W. A., Young, Mr. Speaker—75.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 3, 4, 7, 8, 10 and 11 house bills were passed, were severally rejected.

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river; having been printed, was read at length a second time.

MR. JOHNSON offered an amendment in the nature of a substitute, which was agreed to.

The bill was ordered to be engrossed.

The following house bills having been printed, were read at length a second time and ordered to be engrossed.

No. 5. House bill to amend and re-enact section seven of an act entitled an act to create a State Highway Commission to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to

authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924.

No. 6. House bill to amend the Code of Virginia by adding thereto a new section, to be numbered section 1771-a, which new section relates to the sale of land for delinquent drainage assessments; to redemption of and deeds for lands so sold.

No. 12. House bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge.

No. 13. House bill to authorize the Military Board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand dollars (\$12,000.00) in addition thereto, upon such conditions as the State Military Board may deem advisable; to authorize the Military Board to use the said sum of twelve thousand dollars (\$12,000.-00) for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said Military Board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be required for such use; to ratify certain acts of the Military Board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926.

No. 14. House bill to authorize the council of the town of Vinton, in Roanoke county, to levy a tax for the purpose of providing funds for the purchase of a high school site in said town.

No. 15. House bill to authorize the county school board of Elizabeth City county, to borrow the sum of \$80,000 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the

powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect.

No. 17. House bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars, for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency.

No. 18. House bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926.

On motion of MR. WARREN *of Pittsylvania*, the house adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

MONDAY, MARCH 28, 1927

Prayer by Rev. Father Walter J. Nott, Director of Charities for the Diocese of Richmond, Catholic Church.

On motion of MR. COLE, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 25, 1927.

The Senate has agreed to house joint resolution directing the State Tax Commission to investigate the subject of the taxation of public service corporations.

They have passed Senate bills entitled, an act to repeal all special road laws now in force in the county of Rockingham, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways, No. 9; an act to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue, and the ocean, in said town to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in the sum not exceeding \$250,000.00 for the construction of said walkway, and/or bulkhead; and to declare an emergency necessitating said construction, No. 10; and an act to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires or in going to or returning therefrom, in Arlington, Fairfax and Prince William

counties, and in the city of Alexandria, No. 13; in which they request the concurrence of the House of Delegates.

No. 9. Senate bill was referred to the Committee on Roads and Internal Navigation.

Nos. 10 and 13 Senate bills were referred to the Committee on Counties, Cities and Towns.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 8. Senate bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during sessions of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

No. 3. Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such districts for said purposes, and to provide funds for establishing and operating such public utilities therein.

No. 2. Senate bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926.

No. 6. Senate bill to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties.

The following house bills having been considered by the Committee in session were reported from the Committee on Counties, Cities and Towns:

No. 27. House bill to amend and re-enact an act entitled "An act for the protection of foxes or other fur bearing or hair bearing

animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell, Washington and Chesterfield counties, and to provide punishment for the violation thereof," approved March 24, 1926.

No. 28. House bill to prohibit the killing, catching or taking of fish from the water of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod.

House bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*:

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact sections 2, 10 and 12, of an act entitled "An act to incorporate the town of Windsor, in the county of Isle of Wight," approved March 15, 1902, section 12 of which as heretofore amended; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report :

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and

Patrick for all fish during any time of the year; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact an act entitled "An act for the protection of fish in the waters of Tazewell county," approved February 27, 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill making it unlawful for any person to permit dogs to run at large in Orange and Madison counties during the months of May, June and July of each year; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully report that in their opinion the object of the within bill cannot be reached by general law or court proceedings

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of

the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled "An act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county," approved February 9, 1916; and further to repeal an act entitled "An act requiring each local road board in the county of Surry to publish annually detailed statements showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure," approved March 24, 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

No. 2. Joint resolution proposing amendments to sections 42 and 46 of the Constitution of Virginia; having been considered by the committee in session, was reported from the Committee for Courts of Justice.

MR. PRICE offered the following resolution:

Resolved that House joint resolution No. 1 be set for a special and continuing order for Tuesday, March 29, 1927, at 12:15 o'clock P. M., and that all members having amendments to propose will hand them to the Clerk as soon as practicable, and that in the consideration of House joint resolution No. 1, the amendments proposed be first dispensed of *ad seiratum*, which was agreed to.

MR. BREWER offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, that permission be and the same is hereby granted for the introduction and consideration of a bill to amend and re-enact subsection (e) of section 29 of an act entitled "An act to continue the office of Motor Vehicle

Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926, which was agreed to—ayes, 76; nays, 0.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sneed, Speers, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.

NAYS—0.

Ordered that MR. REW carry the resolution to the Senate and request their concurrence.

MR. SHRADER offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, that permission be and the same is hereby granted for the introduction and consideration of a bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces, which was agreed to—ayes, 79; nays, 1.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Diggs, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shrader, Smith, J. S., Sneed, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Witten, Wood, Wright, W. A., Young, Mr. Speaker—79.

NAYS—Mr. Williams—1.

Ordered that MR. REW carry the resolution to the Senate and request their concurrence.

Motions severally made to introduce and consider the following bills were severally rejected:

A bill to amend and re-enact section 2094 of the Code of Virginia, as amended by an act approved March 4, 1920, in relation to jail prisoners on road or quarry force and the credit to be allowed them for good behavior—ayes, 11; nays, 42.

The vote required by the joint resolution was recorded as follows:

AYES—Folkes, Fuller, Hicks, Moffett, Page, Rew, Shrader, Tuck, Warren, Geo. M., Warren, L. E., Wright, W. A.—11.

NAYS—Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Bruce, Carter, Coiner, Cole, Diggs, Doosing, George, Graham,

Graves, Hamner, Hanes, Harman, Jesse, Johnson, Jones, J. P., Keezell, Kelly, Lyon, Norris, Pierce, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Smith, J. S., Snead, Stickley, Vellines, Watts, Wright, J. W., Young, Mr. Speaker—42.

A bill to amend and re-enact section 5017 of the Code of Virginia, 1919, and to repeal section 6 of chapter 301 of the Acts of 1918, entitled "An act to regulate the treatment, handling and work of prisoners sentenced to the State Penitentiary and to appropriate funds therefor," approved March 16, 1918—ayes, 12; nays, 46.

The vote required by the joint resolution was recorded as follows:

AYES—Allman, Boschen, Folkes, Fuller, Hicks, Page, Rew, Speers, Tuck, Warren, Geo. M., Young, Mr. Speaker—12.

NAYS—Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cole, Coleman, Diggs, Doosing, Dovell, George, Graham, Graves, Hamner, Hanes, Harman, Jesse, Johnson, Jones, J. P., Keezell, Kelly, Lyon, Malbon, Milstead, Norris, Parker, W. A., Pierce, Saunders, Savedge, Sebrell, Sinclair, Smith, J. S., Snead, Stickley, Topping, Villines, Watts, Williams, Wright, J. W., Wright, W. A.—46.

A bill to require purely mutual building and loan associations to create and maintain a reserve fund for protection against losses and providing a maximum and minimum amount of said reserve fund—ayes, 59; nays, 9.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Jesse, Johnson, Jones, J. P., Jordan, Keezell, Kelly, Malbon, Massenburg, Moffett, Page, Parker, W. A., Rew, Saunders, Sebrell, Shrader, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Warren, Geo. M., Warren, L. E., Watkins, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—59.

NAYS—Boyd, I. C., Lyon, Milstead, Pierce, Savedge, Sinclair, Watts, Williams, Witten—9.

A bill to clearly define the exemption of building and loan associations or companies from the payment of any State income tax under the provisions of section 10 of the tax bill as heretofore amended—ayes, 54; nays, 18.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Breneman, Brewer, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Hall, Hamner, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Malbon, Massenburg, Milstead, Moffett, Page, Parker, W. A., Saunders, Savedge, Shrader, Sinclair, Snead, Speers, Topping, Tuck, Vellines, Warren, George M., Warren, L. E., Watkins, Williams, Wright, J. W., Wright, W. A., Young, Mr. Speaker—54.

NAYS—Boyd, I. C., Bruce, Carter, Cato, Coleman, Graves, Hailey, Jeffreys, Keezell, Kelly, Lyon, Pierce, Sebrell, Smith, J. S., Stickley, Taylor, Waller, Watts—18.

A bill providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to certain aged persons; conferring authority and imposing certain duties upon the State Board of Public Welfare, the county and city boards of public welfare, and upon the judges of the juvenile and domestic relations courts in certain

cases; making counties and cities liable for certain expenses; providing penalties and making an appropriation—ayes, 12; nays, 44.

The vote required by the joint resolution was recorded as follows:

AYES—Boschen, Coleman, Folkes, Fuller, Hall, Hanes, Jones, J. P., Jordan, Massenburg, Rew, Warren, L. E., Watkins—12.

NAYS—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Diggs, Doosing, George, Graham, Graves, Hailey, Harman, Jeffreys, Jesse, Johnson, Keezell, Kelly, Lyon, Norris, Page, Pierce, Saunders, Sebrell, Shrader, Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watts, Wright, W. A.—44.

A bill to amend and re-enact section 6049 of the Code of Virginia, as amended by an act approved March 31, 1926, in relation to venue in actions at law and suits in equity—ayes, 57; nays, 9.

The vote required by the joint resolution was recorded as follows:

AYES—Barton, Bear, Bird, George T., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Bruce, Carter, Cato, Cole, Dovell, Fain, Folkes, Fuller, George, Gordon, Graves, Hailey, Hall, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Massenburg, Milstead, Moffett, Norris, Page, Parker, W. A., Rew, Saunders, Savedge, Sebrell, Shrader, Snead, Speers, Stickley, Topping, Tuck, Vellines, Warren, L. E., Watts, Williams, Witten, Wood, Young, Mr. Speaker—57.

NAYS—Bird, W. W., Doosing, Kelly, Mason, Pierce, Rodgers, Smith, J. S., Waller, Warren, Geo. M.—9.

A bill to amend and re-enact section 4570 of the Code of Virginia, as heretofore amended, relative to working or transacting business on Sunday; how punished—ayes, 19; nays, 52.

The vote required by the joint resolution was recorded as follows:

AYES—Bear, Bolling, Boschen, Boyd, I. C., Diggs, Fain, Fuller, Hall, Hicks, Jesse, Jones, C. A., Jordan, Page, Price, Rew, Speers, Topping, Tuck, Warren, Geo. M.—19.

NAYS—Adams, Barton, Bird, George T., Bird, W. W., Booker, Bowles, Breneman, Brewer, Brown, Bruce, Carter, Cato, Cole, Coleman, Doosing, Dovell, Folkes, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Horner, Johnson, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Massenburg, Milstead, Moore, Norris, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Smith, J. S., Snead, Stickley, Waller, Watkins, Watts, Wood, Wright, J. W., Mr. Speaker—52.

THE SPEAKER laid before the House the following communication from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,

RICHMOND, March 28, 1927.

To the General Assembly of Virginia:

In the year 1911 the Commonwealth acquired by gift about 300 acres of land immediately south of the town of Virginia Beach, for use as a rifle range, and subsequently acquired about ninety-five acres partly by subscription and partly by appropriation from the State for the same purpose. At the time this property was first used as a rifle range, the land in that vicinity was considered of little value, but as Virginia Beach has grown the complaint is made that the present range of fire retards the further development of Virginia Beach in that direction, and endangers life.

The right of the State to fire over the ocean property between the State rifle range and the ocean has been the cause of litigation, and the appeal is now being

perfected from a decision rendered by the circuit court of the city of Richmond to the Supreme Court of Virginia.

Before perfecting this appeal, the Sun Rise Development Corporation, *et als*, in conjunction with other parties interested and owning property at Virginia Beach, approached the Military Board with a view of effecting some amicable adjustment, in order that development might continue and not be further delayed by litigation. As a result, and after numerous conferences and full consideration on the part of the Military Board and the State military authorities, an agreement was reached in August, 1926. Adjutant General Sale advises me of the following details of this agreement:

"1. The Sun Rise Development Corporation, *et als*, agree to convey to the Commonwealth of Virginia, free of encumbrances, subject to right of way of Norfolk-Southern railroad, tract of land of twelve hundred (1200) feet on the Atlantic ocean, extending back to Lake Christine, upon survey found to be forty-three and fifty-four one-hundredths (43.54) acres, in exchange for tract of land lying to the north of the west branch of Lake Christine, upon survey found to be seventy-two and four-one-hundredths (72.04) acres, as indicated upon photostatic copy of map herewith (marked No. 1) accompanying the original agreements in the hands of the State and The Development Corporation.

"2. The Military Board engages to construct a road through the land to be conveyed to the State in the rear of the firing points. (See map attached.)

"3. The Military Board agrees to confine firing in any way affecting the present property holdings of the Sun Rise Development Corporation, *et als*, at or near the State Rifle Range, within the new area to be conveyed to the Commonwealth, but reserves the right to use the Thousand Yard Range (shown on the map as A' B') for training during the fifteen-day encampments.

"4. The Military Board agrees to request that a public highway be allowed along the railroad right of way through the property to be conveyed to the State, subject to the limitation of the right of the Commonwealth to fire over it.

"5. The Sun Rise Development Corporation, *et als*, agree further to pay the sum of twelve thousand (\$12,000.00) dollars for the development of the State Rifle Range upon consummation of the agreement.

"(Certain limitations upon fire on the old range in the first agreement were removed by later agreement and old range made available for all the firing required the coming training season.)

"This agreement has never been consummated, because the State discovered, upon examination of the title to the tract of land to be conveyed to the State, certain rights in the streets and alleys of said property in accordance with an old survey of many years outstanding. The Attorney General of Virginia declined to proceed further until these rights had been properly acquired or extinguished. It has been found that some of the owners of these rights cannot be located. Most of those who could be found readily consented to the proposal. The enabling act is, therefore, presented for the purpose of extinguishing, by condemnation, these outstanding rights, in order that the exchange of properties might be completed. It may be mentioned that, when the exchange is consummated, a road will be guaranteed by the Military Board through the property, which will be, with a few restrictions, sufficient to take care of traffic along the beach without undue interference from the target firing.

"From a military stand-point, the proposed new range will not be as fully satisfactory as the present range, but it is believed that it will be sufficient for all ordinary training purposes, the following endorsement having been written across the face of the map showing the proposed ranges by the Chief Executive of the U. S. Militia Bureau:

"This arrangement is satisfactory to the Militia Bureau for the purpose of training now prescribed.

"(Signed) JOHN W. GLUICK,

Colonel CAC Executive,

"August 3, 1926,"

It is thought that the advantages to the Virginia Beach neighborhood, resulting from the exchange, demand that the State authorities take cognizance of the situation and make the best compromise possible under the circumstances. In

view of the whole situation, it is believed that this has been accomplished, and that the State, by the exchange, will secure land with beach frontage of far greater value intrinsically than that conveyed to the realty company, and, at the same time, satisfy present military needs. There are attached hereto blue prints and photostats showing the full camp, old and new target ranges, the tracts of land to be exchanged, and the proposed road.

I respectfully recommend the passage of the bill to enable the fulfillment of the agreement with the property owners unanimously entered into by the members of the State Military Board. This authority is required for the exchange of property and the right of eminent domain to acquire the title to certain property within this area. The members of the State Military Board who unanimously approved of the settlement of this matter were as follows:

HARRY FLOOD BYRD, *Governor*,
COL. B. O. JAMES,
COL. J. FULMER BRIGHT,
GEN. S. GARDNER WALLER,
MAJOR W. D. NEWBILL, *Acting Adjutant General*.

Respectfully yours,

H. F. BYRD,
Governor of Virginia.

The following communication was received from the Governor.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, March 28, 1927.

To the General Assembly of Virginia:

Acting upon certain complaints as to the treatment of incapacitated ex-service men at the Davis Clinic at the Southwestern State Hospital, at Marion, Virginia, I appointed the following committee to investigate the criticisms made:

Col. King Harmon, Pulaski, Va.
Mr. J. P. Carrico, Galax, Va.
Mrs. Virginia L. Brown, Rureal Retreat, Va.
Mr. Frank Bane, Richmond, Va.
Dr. Ennion G. Williams, Richmond, Va.
Mr. H. M. Taylor, Richmond, Va.
Mr. Robert Thomas, Richmond, Va.
Dr. James K. Hall, Richmond, Va.

I herewith attach for your information copy of the report made by this committee, and also a letter from the late Dr. E. H. Henderson, former Superintendent of the Southwestern State Hospital, stating the recommendations of the committee have been complied with.

Respectfully yours,

H. F. BYRD,
Governor of Virginia.

(Printed as Senate Document No. 4.)

The following bills were presented and referred under rule 37:

To the Committee on Finance:

By MESSRS. MOFFETT and MOORE: A bill to abolish, with certain qualifications, the office or position of city collector in each city of this State having a city collector, and to transfer, vest in and confer upon the city treasurer of each such city all the powers of such city collector and to impose upon such city treasurer all the duties of such city collector; and to authorize each city, which, under the provisions of this act elects to continue the office or position of city collector,

to abolish such office or position at any subsequent time and to transfer the powers and duties of the city collector to the city treasurer.

To the Committee on Special, Private and Local Legislation:

By MR. SEBRELL: A bill to amend and re-enact sections 5 and 6 of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912.

By MR. BARTON: A bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 5, 1900, as amended in section 9 therefor by an act approved March 9, 1910, as amended by an act approved March 21, 1923.

By MR. REW: A bill to authorize the town of Chincoteague in the county of Accomac to cross and maintain across certain lowlands, marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines.

By MR. ALLMAN: A bill to amend and re-enact an act entitled "An act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foreman;" approved March 18, 1926.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time.

No. 8. Senate bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during sessions of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the court house of said county.

No. 3. Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein.

No. 2. Senate bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926.

No. 6. Senate bill to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties.

The following House bills were read at length a first time and ordered to be printed.

No. 27. House bill to amend and re-enact an act entitled "An act for the protection of foxes or other fur bearing or hair bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell, Washington, and Chesterfield counties, and to provide punishment for the violation thereof," approved March 24, 1926.

No. 28. House bill to prohibit the killing, catching or taking of fish from the water of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod.

The following house bills were read at length a third time and passed.

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns, to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river, the acquisition of the same by the State Highway Commission, and the control and regulation by the State Corporation Commission—ayes, 76; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Admas, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Coleman, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Hamner, Hanes, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers,

Saunders, Savedge, Sebrell, Sinclair, Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Watkins, Watts, Weeks, Williams, Witten, Wood Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.

NAYS—0.

No. 5. House bill to amend and re-enact section seven of an act entitled an act to create a State Highway Commission to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924—ayes, 81; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moore, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—81.

NAYS—Mason—1.

No. 6. House bill to amend the Code of Virginia by adding thereto a new section, to be numbered section 1771-a, which new section relates to the sale of land for delinquent drainage assessments; to redemption of and deeds for lands so sold—ayes, 78; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Johnson, Jones, C. A., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead,

Moffett, Moore, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, J. S., Snead, Speers, Stickle, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—78.

NAYS—0.

No. 12. House bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge—ayes, 80; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

No. 13. House bill to authorize the military board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand dollars (\$12,000.00) in addition thereto, upon such conditions as the State military board may deem advisable; to authorize the military board to use the said sum of twelve thousand dollars (\$12,000.00) for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Hamner, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, W. A., Young, Speaker—73.

NAYS—0.

No. 14. House bill to authorize the council of the town of Vinton, in Roanoke county, to levy a tax for the purpose of providing

funds for the purchase of a high school site in said town—ayes, 80; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

No. 15. House bill to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000.00 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect—ayes, 69; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folks, Fuller, Gary, George, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Page, Price, Ramey, Rew, Saunders, Savedge, Shrader, Sinclair, Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—Pierce—1.

No. 17. House bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars, for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency—ayes, 70; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Shrader, Sinclair, Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—70.

NAYS—0.

No. 18. House bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926—ayes, 70; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Savedge, Shrader, Sinclair, Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—70.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 2, 5, 6, 12, 13, 14, 15, 16, 17 and 18 House bills were passed were rejected.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 19. House bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol Building.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia as amended by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell.

No. 21. House bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor.

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia, regulating the taking of clams.

No. 24. House bill to amend and re-enact section 3242 of the Code of Virginia, in relation to oyster ground.

No. 25. House bill to amend and re-enact section 3224 of the Code of Virginia, in relation to oyster ground.

No. 26. House bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia, in relation to oysters and clams.

On motion of MR. JONES, *of Richmond*, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates

TUESDAY, MARCH 29, 1927

Prayer by Rev. J. N. Latham, D.D., Pastor, Centenary Methodist Episcopal Church, South, Richmond, Virginia.

On motion of MR. WILLIAMS, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 28, 1927.

The Senate has agreed to Senate joint resolution for permission for the introduction and consideration of a bill to clearly define the exemption of building and loan associations of companies from the payment of any State income tax under the provisions of section 10 of the Tax Bill as heretofore amended.

And they have passed Senate bills entitled, an act to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency, No. 1; and an act to amend and re-enact section 7 of an act entitled an act to create a State Highway Commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code

of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the Commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924, No. 17; in which they request the concurrence of the House of Delegates.

No. 1. Senate bill was referred to the Committee on Finance.

No. 17. Senate bill was referred to the Committee on Roads and Internal Navigation.

The following House bills having been considered by the Committee in session were reported from the Committee on Schools and Colleges:

No. 29. House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable.

No. 30. House bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity.

House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 5, 1900, as amended in section 9 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the town of Chincoteague in the county of Accomac to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines; having been considered by the Joint Committee on Special, Private and Local Legislation, was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact sections five and six of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912; having been considered by the Joint Committee on Special, Private and Local Legislation, was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact an act entitled "An act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foreman;" approved March 18, 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

THE SPEAKER laid before the House the following communication:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,

RICHMOND, March 29, 1927.

Gentlemen of the General Assembly:

I have appointed the following judges of courts of this Commonwealth since the last session of your honorable body:

Frank T. Sutton, Jr., of Richmond, to be judge of the Law and Equity Court of the city of Richmond, Part Two, to fill the vacancy caused by the death of Joseph Crenshaw Taylor, effective May 1, 1926, and to expire thirty days after the commencement of the next session of the General Assembly.

Herbert B. Gregory, of Roanoke, to be judge of the Court of Law and Chancery of the city of Roanoke, to fill the vacancy caused by the expiration of the term for which he was appointed upon the death of W. W. Moffett, effective February 1, 1927, and to expire thirty days after the commencement of the next session of the General Assembly.

T. L. Keister, of Salem, to be judge of the Twentieth Judicial Circuit, to fill the vacancy occasioned by the resignation of Herbert B. Gregory, effective September 21, 1926, and to expire thirty days after the commencement of the next session of the General Assembly.

Hiram W. Bertram, of Harrisonburg, to be judge of the Twenty-fifth Judicial Circuit, to fill the vacancy occasioned by the resignation of T. N. Haas, effective March 1, 1927, and to expire thirty days after the commencement of the next session of the General Assembly.

I desire also to call your attention to the vacancy in Twenty-second Judicial Circuit caused by the death of Judge Fulton Kegley on March 20, 1927.

HARRY F. BYRD,
Governor.

A message was received from the Senate by MR. VAUGHAN, who informed the House that the Senate had agreed to House joint resolution allowing the introduction of a bill to amend and re-enact subsection (e) of section 29 of an act entitled: "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of titles; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

A message was received from the Senate by MR. BALL, who informed the House that the Senate had agreed to House joint resolution allowing the introduction of "A bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces."

A message was received from the Senate by MR. BALL, who informed the House that the Senate had agreed to a joint resolution for the introduction and consideration of a bill" to amend and re-enact section 98 of the Code of Virginia, in relation to registration of voters; in which they request the concurrence of the house.

A message was received from the Senate by MR. BARRON, who informed the House that the Senate had agreed to a joint resolution for the introduction and consideration of the following bills:

A bill to amend and re-enact section twenty-seven (27) and section twenty-eight (28) of an act entitled "An act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, commonly designated as the "Tax Bill," as heretofore amended.

A bill to empower the State Corporation Commission to make review and correction of its assessments of the value of the property of

any transportation company, transmission company, or other public service corporation, and of its assessments of any tax upon such companies or their property.

A bill to amend and re-enact an act entitled "An act to authorize the councils of cities and towns to provide by ordinance for the collection of city or town taxes or levies on property in equal semi-annual installments," approved March 24, 1926.

In which they request the concurrence of the House.

A message was received from the Senate by MR. HOLLADAY, who informed the House that the Senate had agreed to the following resolution:

Whereas, the heart of the civilized world still goes out in loving pity to the 35,000 Christian orphans in institutions under the protection of the Near-East Relief, and

Whereas, the strong necessity for a continuation of this protection is still urgent, and

Whereas, the part played and being played by Virginia in this philanthropic and humanitarian activity has been such as to attract most favorable comment and to commend itself to all, and

Whereas, the necessity for continuing the spiritual as well as the purely physical salvation of this little army of helpless children is apparent, and

Whereas, there is in charge of the Virginia Division of Near-East Relief a colony of orphans located in what is known as the Virginia Industrial Training School on the Isle of Syra, in the Aegean sea, over the heads of whom floats the flag of the United States and the banner of the Old Dominion, and

Whereas, those in charge of this work among the children have the unqualified commendation of the General Assembly of Virginia for their earnest and effective efforts in the near orient, and

Whereas, the Near East Relief is incorporated by the Congress of the United States of America,

Therefore, resolved by the Senate of Virginia, the House concurring, That the General Assembly go on record as very strongly approving the activities of the national organization of the Near East Relief of America, with especial emphasis on that part of these efforts put forth by the Virginia Branch.

THE SPEAKER laid the resolution before the House.

The resolution was agreed to.

MR. SMITH, of *Alexandria*, offered the following resolution:

Resolved that when the House adjourns today, it adjourn to meet tomorrow at 10 o'clock A. M., and that the special order be resumed at 10:15 o'clock A. M., which was agreed to.

The following were presented and referred under rule 37:

To the Committee for Courts of Justice:

By MR. SHRADER: A bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces.

To the Committee on Appropriations:

By MR. BROWN: A bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity.

To the Committee on Roads and Internal Navigation:

By MR. SMITH, *of Alexandria*: A House resolution calling for certain information from the State Highway Commission.

By MR. BREWER: A bill to amend and re-enact subsection (e) of section 29 of an act entitled "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

To the Committee on Special, Private and Local Legislation:

By MR. GORDON: A bill to amend and re-enact an act entitled "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

By MR. ALLMAN: A bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia.

The morning hour having expired, the House proceeded to the business on the calendar.

The following House bills were read at length a first time and ordered to be printed.

No. 29. House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable.

No. 30. House bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity.

The following House bills were read at length a third time and passed.

No. 19. House bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol building—ayes, 71; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, George, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Mason, Milstead, Moffett, Moore, Mugler, Page, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—71.

NAYS—0.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia as amended by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell—ayes, 74; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Carter, Cato, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Lyon, Mason, Milstead, Moffett, Moore, Mugler, Page, Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—74.

NAYS—0.

No. 21. House bill to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne—ayes, 71; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Coleman, Diggs, Fain, Folkes, Fuller, Gary, George, Graham, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Lyon, Mason, Milstead, Moffett, Moore, Mugler, Page, Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—71.

NAYS—0.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their compensation; to prohibit violation of this act and to prescribe penalties therefor—ayes, 67; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, George, T., Bird, W. W., Bolton, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Diggs, Doosing, Fain, Folkes,

Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Lyon, Mason, Milstead, Moffett, Moore, Mugler, Page, Parker, W. A., Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—67.

NAYS—Pierce—1.

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia, regulating the taking of clams—ayes, 69; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Davis, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Lyon, Mason, Moffett, Moore, Mugler, Page, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

No. 24. House bill to amend and re-enact section 3242 of the Code of Virginia, in relation to oyster ground—ayes, 74; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Davis, Diggs, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—74.

NAYS—0.

No. 25. House bill to amend and re-enact section 3224 of the Code of Virginia, in relation to oyster ground—ayes, 71; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Davis, Diggs, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Taylor, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—71.

NAYS—0.

No. 26. House bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia, in relation to oysters and clams—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Taylor, Topping, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 19, 20, 21, 22, 23, 24, 25 and 26 House bills were passed were rejected.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 27. House bill to amend and re-enact an act entitled an act for the protection of foxes or other fur bearing or hair bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell, Washington and Chesterfield counties, and to provide punishment for the violation thereof, approved March 24, 1926 (amended—title amended).

No. 28. House bill to prohibit the killing, catching or taking of fish from the waters of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod (amended).

The following Senate bills were read at length a second time:

No. 8. Senate bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during sessions of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

No. 3. Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts; to provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein.

No. 2. Senate bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction,

acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926.

No. 6. Senate bill to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile, according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties.

The hour of 12:15 o'clock P. M. having arrived:

No. 1. House joint resolution proposing amendments to the Constitution of Virginia, special order, came up.

MR. WRIGHT, *of Roanoke*, moved to amend as follows:

Bill of Rights—Strike out the following:

"A declaration of rights, made by the good people of Virginia in the exercise of their sovereign powers; which rights do pertain to them and their posterity as a basis and foundation of government" and insert in lieu thereof the following:

"A declaration of rights made by the representatives of the good people of Virginia assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government," which was rejected.

MR. JONES, *of Highland*, (same amendment also offered by MR. ADAMS) moved to amend section 10 by striking therefrom the following words:

"Any warrant for search and seizure must bear the name of the complaining party", which was rejected—ayes, 32; nays, 56.

On motion of MR. ADAMS, the vote was recorded as follows:

AYES—Adams, Barton, Bolton, Booker, Boyd, E. T., Brewer, Brown, Cato, Cole, Diggs, Doosing, Dovell, Graham, Hamner, Hicks, Horner, Jeffreys, Jones, E. B., Jones, J. P., Keezell, Kelly, Moore, Parker, W. A., Pierce, Price, Ramey, Rodgers, Shepherd, Shrader, Warren, C. R., Warren, L. E., Wright, J. W.—32.

NAYS—Allman, Bear, Bird, George T., Bird, W. W., Bolling, Boschen, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Davis, Fain, Folkes, Fuller, Gary, George, Gordon, Graves, Hall, Hanes, Harman, Jesse, Johnson, Jones, C. A., Jordan, Lyon, Mason, Massenburg, Milstead, Moffett, Mugler, Norris, Page, Rew, Saunders, Savedge, Sebrell, Sinclair, Smith, C. H., Smith, J. S., Stickley, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, W. A., Young, Mr. Speaker—56.

MR. BARTON moved to amend section 8 by striking therefrom the following:

"In criminal cases the accused may plead guilty; and if the accused plead not guilty, with the concurrence of the Commonwealth's

Attorney, he may consent to a smaller number of jurors, or, with like consent, may waive a jury. In case of such waiver, or plea of guilty the court may try the case" and insert in lieu thereof the following:

"In criminal cases, the accused may plead guilty; and if the accused plead not guilty, with his consent and the concurrence of the Commonwealth's attorney, he may be tried by a smaller number of jurors, or waive a jury. In case of such waiver, or plea of guilty, the court may try the case."

MR. GORDON moved as a substitute to strike out:

"In criminal cases, the accused may plead guilty; and, if the accused plead not guilty, with the concurrence of the Commonwealth's attorney, he may consent to a smaller number of jurors, or, with like consent, may waive a jury. In case of such waiver, or plea of guilty, the court may try the case," which was rejected.

The amendment proposed by MR. BARTON was agreed to.

MR. PRICE moved to amend as follows:

Section 21. Strike out "two years" and insert in lieu thereof "three years," which was agreed to.

MR. ALLMAN moved to amend as follows:

Section 22, line 6, after the words "Confederate States" add "or in the United States Army or Navy during the World War," which was rejected.

On motion of MR. SMITH, of *Alexandria*, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

WEDNESDAY, MARCH 30, 1927

Prayer by Rev. William H. Laird, Assistant Minister, St. Paul's Episcopal Church, Richmond, Virginia.

On motion of MR. BRENNEMAN, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 29, 1927.

The Senate has passed Senate bills entitled an act to authorize the Virginia State Penitentiary Board to cancel the indebtedness of the Mt. Pisgah Methodist Episcopal Church, of Midlothian, Virginia, to the Industrial Department of the Virginia State Penitentiary, No. 4; an act to amend and re-enact section 4066 of the Code of Virginia, as

heretofore amended, in relation to public utility companies; and to repeal sections 4064 and 4065 of the Code of Virginia, and section 1 of an act entitled "An act imposing public duties on heat, light, power, water and telephone companies, and providing for the control and regulation of such companies by the State Corporation Commission," approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924, and March 29, 1926, No. 15; an act to amend the Tax Bill, as heretofore amended, by adding thereto two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes, No. 18; an act to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect, No. 21; and an act to amend and re-enact section 1 of an act entitled, "An act for the protection of fish in certain streams in Alleghany and Craig counties," approved February 26, 1926, No. 23; in which they request the concurrence of the House of Delegates.

No. 4. Senate bill was referred to the Committee on Appropriations.

No. 15. Senate bill was referred to the Committee on General Laws.

No. 18. Senate bill was referred to the Committee on Finance.

No. 21. Senate bill was referred to the Committee on Chesapeake and its tributaries.

No. 23. Senate bill was referred to the Committee on Counties, Cities and Towns.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 7. Senate bill authorizing the boards of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriations for the expenses of the judge of the thirty-fourth judicial circuit.

No. 10. Senate bill to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue and the ocean in said town to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in the sum not exceeding \$250,000.00 for the construction of said walkway, and/or bulkhead; and to declare an emergency necessitating said construction.

No. 12. Senate bill to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors.

No. 13. Senate bill to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires, or in going to or returning therefrom, in Arlington, Fairfax and Prince William counties and the city of Alexandria.

No. 14. Senate bill to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors.

No. 9. Senate bill to repeal all special road laws now in force in the county of Rockingham, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation with amendment.

The following House bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 31. House bill to amend and re-enact section 2 of an act entitled "An act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities which adopt the provisions of this act," approved March 14, 1918.

No. 32. House bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year.

No. 33. House bill making it unlawful for any person to permit dogs to run at large in Orange and Madison counties during the months of May, June and July of each year.

No. 34. House bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 35. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 36. House bill to amend and re-enact an act entitled "An act for the protection of fish in the waters of Tazewell county," approved February 27, 1926.

No. 37. House bill to amend and re-enact sections 2, 10 and 12, of an act entitled "An act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which as heretofore amended.

No. 38. House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923.

No. 39. House bill to authorize the town of Chincoteague in the county of Accomac to cross and maintain across certain lowlands, marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 40. House bill to amend and re-enact sections five and six of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912.

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect; having been considered by the committee in session were reported from the Committee on the Chesapeake and its Tributaries.

No. 42. House bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces; having been considered by the committee in session was reported from the Committee for Courts of Justice.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled "An act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county," approved February 9, 1916; and further to repeal an act entitled "An act requiring each local road board in the county of Surry to publish annually detailed statements showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure," approved March 24, 1926; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

No. 44. House bill to amend and re-enact sections 3, 4 and 7 of an act entitled "An act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties," approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by an act approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicle fuels and to prescribe penalties; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact an act entitled "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

MR. BROWN offered the following resolution:

Resolved, That the Auditor of Public Accounts be directed to issue his warrants upon the Treasurer of the State, out of the funds provided for the purpose, to cover such contingent and incidental expenses of the House of Delegates and Clerk's office of the House of Delegates, gallery doorkeeper, extra enrolling, journal and other typewriting, and such other clerical help as may be certified to him by the Clerk of the House of Delegates and approved by THE SPEAKER of the House of Delegates.

Resolved, further, that THE SPEAKER be authorized to employ an electrician for work on and supervision of the voting machine for such time as he may deem necessary; which was agreed to.

A message was received from the Senate by MR. THOMPSON, who informed the House that the Senate had agreed to joint resolution allowing the introduction and consideration of a bill to amend and re-enact an act entitled "An act to extend the time for collecting taxes and levies accounted for by county, city and town treasurers, and not returned delinquent," approved March 14, 1924; in which they request the concurrence of the House.

A message was received from the Senate by MR. BARRON, who informed the House that the Senate had agreed to joint resolution allowing the introduction and consideration of a bill to amend and re-enact section 229 of the Code of Virginia as heretofore amended in relation to primary elections; in which they request the concurrence of the House.

A message was received from the Senate by MR. LESNER, who informed the House that the Senate had agreed to joint resolution allowing the introduction and consideration of a bill to amend and re-enact sections 2, 25, 30 and 67 of chapter 474 of the Acts of Assembly, 1926, regulating the operation of vehicles on the public highways; in which they request the concurrence of the House.

The following were presented and referred under rule 37:

To the Committee on Roads and Internal Navigation:

By MESSRS. JEFFREYS, BEAR and BROWN: A bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year.

To the Committee on Special, Private and Local Legislation:

By MESSRS. BEAR and WRIGHT, *of Roanoke*: A bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke," approved March 22, 1924.

By MR. MASSENBURG: A bill to authorize and permit the council of the town of Phoebus to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Va."

By MR. MASSENBURG: A bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds.

By MR. TOPPING: A bill to amend and re-enact section 1 of an act entitled "An act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923," approved March 24, 1926, in the counties of Accomac and Northampton.

By MR. SNEAD: A bill to amend and re-enact section 3338 of the Code of Virginia, in relation to hunting, trapping, fishing and ranging upon property of another, adding the county of Alleghany, to those excepted.

By MR. SNEAD: A bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time:

No. 7. Senate bill authorizing the boards of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriations for the expenses of the judge of the thirty-fourth judicial circuit.

No. 10. Senate bill to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue and the ocean in said town to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in the sum not exceeding \$250,000.00 for the construction of said walkway, and/or bulkhead; and to declare an emergency necessitating said construction.

No. 12. Senate bill to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors.

No. 13. Senate bill to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires, or in going to or returning therefrom, in Arlington, Fairfax and Prince William counties and the city of Alexandria.

No. 14. Senate bill to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors.

No. 9. Senate bill to repeal all special road laws now in force in the county of Mecklenburg, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways.

The following House bills were read at length a first time and ordered to be printed.

No. 31. House bill to amend and re-enact section 2 of an act entitled "An act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor; and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities which adopt the provisions of this act," approved March 14, 1918.

No. 32. House bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year.

No. 33. House bill making it unlawful for any person to permit dogs to run at large in Orange and Madison counties during the months of May, June and July of each year.

No. 34. House bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 35. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 36. House bill to amend and re-enact an act entitled an act for the protection of fish in the waters of Tazewell county, approved February 27, 1926.

No. 37. House bill to amend and re-enact sections 2, 10 and 12, of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which as heretofore amended.

No. 38. House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923.

No. 39. House bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 40. House bill to amend and re-enact sections 5 and 6 of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912.

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect.

No. 42. House bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled "An act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county," approved February 9, 1916; and further to repeal an act entitled "An act re-

quiring each local road board in the county of Surry to publish annually detailed statements showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure," approved March 24, 1926.

No. 44. House bill to amend and re-enact sections 3, 4 and 7 of an act entitled "An act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties," approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by an act approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicle fuels and to prescribe penalties.

The following Senate bills were read at length a third time and passed:

No. 8. Senate bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during sessions of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county—ayes, 54; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Brown, Cole, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Jeffreys, Jones, C. A., Jordan, Kelly, Milstead, Moore, Mugler, Nickles, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Snead, Stickley, Taylor, Topping, Tuck, Waller, Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—54.

NAYS—0.

No. 3. Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts; to provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein—ayes, 63; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Cole, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Jeffreys, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Lyon, Milstead, Moore, Mugler, Nickles, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge,

Shepherd, Shrader, Sinclair, Smith, J. S., Snead, Stickley, Taylor, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—63.

NAYS—0.

No. 2. Senate bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926—ayes, 66; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hanes, Harman, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, J. S., Snead, Stickley, Taylor, Tuck, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—66.

NAYS—0.

No. 6. Senate bill to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile, according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties—ayes, 68; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Hailey, Hamner, Hanes, Harman, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, J. S., Snead, Tuck, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 8, 3, 2 and 6 Senate bills were passed were rejected.

The following House bills were read at length a third time and passed.

No. 27. House bill to amend and re-enact an act entitled an act for the protection of foxes or other fur bearing or hair bearing animals,

in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell and Washington counties, and to provide punishment for the violation thereof, approved March 24, 1926—ayes, 65; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Doosing, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—65.

NAYS—0.

No. 28. House bill to prohibit the killing, catching or taking of fish from the waters of Alleghany magisterial district, of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod—ayes, 67; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Saunders, Savedge, Shrader, Sinclair, Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Young, Mr. Speaker—67.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 27 and 28 House bills were passed, were rejected.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 29. House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable.

No. 30. House bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity.

The hour of 10-15 o'clock A. M. having arrived No. 1 House joint resolution, proposing amendments to the Constitution of Virginia, special order, came up.

MR. GORDON moved to amend section 32 after the word "otherwise" in line 7 by striking out the following:

"and except, further, that the requirements of this section as to residence and voting qualifications shall not apply to the appointment of persons to fill positions or posts requiring special technical or professional training and experience," which was rejected—ayes, 27; nays, 59.

On motion of MR. BOSCHEN, the vote was recorded as follows:

AYES—Bear, Bird, George T., Bolling, Boschen, Coiner, Folkes, Fuller, George, Gordon, Graves, Hanes, Hicks, Horner, Jones, C. A., Jordan, Kelly, Mugler, Parker, W. A., Pierce, Saunders, Sebrell, Sinclair, Warren, C. R., Warren, L. E., Watkins, Williams, Young—27.

NAYS—Adams, Bird, W. W., Bolton, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Cole, Diggs, Doosing, Dovell, Fain, Gary, Graham, Hailey, Hall, Hamner, Harman, Jesse, Johnson, Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Price, Ramey, Rew, Rodgers, Savedge, Shepherd, Shrader, Smith, C. H., Smith, J. S., Snead, Stickley, Topping, Vellines, Waller, Warren, Geo. M., Watts, Weeks, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—59.

MR. GEORGE stated that he voted in the affirmative when it was his purpose to vote in the negative and desired the journal so to state.

MR. PRICE moved to amend as follows: Section 38, line 10. Strike out "Two years" and insert "Three years," which was agreed to.

MR. GORDON moved to amend by striking out section 46 and inserting in lieu thereof the following:

Section 46. The General Assembly shall meet once in four years on the second Wednesday in January next succeeding the election of the members of the Senate and House of Delegates and not oftener, unless convened in the manner prescribed by this Constitution. No session of the General Assembly shall continue longer than ninety days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Members shall be allowed a salary for not exceeding ninety days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe. During the first thirty days of the legislature all bills shall be introduced and reported from the committees, and the body shall then adjourn for thirty days and the proposed bills shall be furnished the press of the State for publication. At the end of such thirty days the body shall reconvene and act upon the proposed legislation," which was rejected—ayes, 19; nays, 66.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Allman, Bolton, Boschen, Bowles, Folkes, Gordon, Graves, Hanes, Hicks, Jones, C. A., Kelly, Malbon, Parker, W. A., Pierce, Sinclair, Smith, C. H., Tuck, Warren, L. E., Williams—19.

NAYS—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Breneman, Brewer, Brown, Bruce, Carter, Cato, Cole, Coleman, Diggs, Doosing, Dovell, Fuller, Gary, George, Graham, Hailey, Hall, Hamner, Harman, Horner,

Jesse, Johnson, Jones, E. B., Jordan, Keezell, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, J. S., Snead, Taylor, Topping, Vellines, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—66.

MR. GORDON moved to amend section 50 by striking out the word "majority" in lines 2 and 39 and inserting the words "three-fifths," which was rejected.

MR. FOLKES moved to amend by adding the following at the end of section 53:

The general appropriation law of public revenue in force the year this amendment is adopted, shall be the annual appropriation law until changed by law, excluding special appropriations. All salaries for public officials and employees, all annuities for support and maintenance of public institutions and other State enterprises shall continue annually until changed. The General Assembly may amend said appropriation law for annual appropriations as they so desire, but by a bill which refers to only one item. No bill shall carry but one item and any law that amends the appropriation law which refers to more than one item is per se null and void, which was rejected.

MR. REW moved to amend by striking out subsection 22 of section 63, as follows:

22. Concerning game, wild fowls, birds, fur bearing animals, fish, oysters, crabs, clams, or shellfish of any kind," and renumber subsection, which was agreed to.

MR. KEEZELL moved to amend section 63 by striking out subsections 21, 23 and 24, as follows:

21. Authorizing or directing any city, town, county, district, or other political subdivision of the State to issue bonds, notes, or other interest-bearing obligations.

23. Providing for the construction, reconstruction, repair or maintenance of roads, streets, alleys, bridges, or other highways not parts of the State highway system.

24. Exempting, either directly or indirectly, any political subdivision from the operation of a general law.

Furthermore, it is declared the policy of this Commonwealth, so far as it can control the same by constitutional provision, that no convention or General Assembly of this Commonwealth shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted, which was rejected—ayes, 25; nays, 56.

On motion of MR. KEEZELL, the vote was recorded as follows:

AYES—Allman, Bear, Boschen, Breneman, Coiner, Gordon, Hanes, Hicks, Jones, J. P., Keezell, Kelly, Pierce, Rew, Saunders, Shrader, Smith, J. S., Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Williams, Witten, Young—25.

NAYS—Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Brewer, Brown, Bruce, Carter, Cato, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Harman, Jeffreys,

Jesse, Johnson, Jones, E. B., Jordan, Lyon, Mason, Massenburg, Milstead, Nickles, Norris, Parker, W. A., Price, Ramey, Rodgers, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Speers, Vellines, Warren, C. R., Watts, Weeks, Wesson, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—56.

MR. NORRIS moved to amend section 45 by adding at the end of the section the following: "Provided that in case of the appointment of any member of the General Assembly to any civil office of profit in the State, whose compensation is paid wholly or in part out of the State revenue, upon his qualification to such office, his position as a member of the General Assembly shall thereby be vacated, and his successor shall be chosen in the manner provided for by general law," which was rejected.

MR. FOLKES moved to amend section 64 by adding thereto the following: "The salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed," which was rejected.

MR. FOLKES moved to amend section 64 by adding thereto the following: "No general or special law shall permit a different rate of interest for a smaller loan than for a greater loan under any pretext whatsoever," which was agreed to.

MR. GORDON moved to amend section 72 by striking out "he shall receive for his services a compensation to be prescribed by law," and insert in lieu thereof the following:

"He shall receive a salary not exceeding ten thousand dollars," which was rejected—ayes, 31; nays, 50.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Bear, Bird, W. W., Bolling, Bolton, Booker, Boschen, Breneman, Brewer, Carter, Cato, Fain, Folkles, Fuller, Gordon, Graves, Hanes, Hicks, Horner, Jones, C. A., Keezell, Kelly, Norris, Parker, W. A., Pierce, Saunders, Sebrell, Speers, Topping, Williams, Wright, J. W., Young—31.

NAYS—Adams, Allman, Barton, Bird, George T., Bowles, Brown, Bruce, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Gary, George, Graham, Hall, Hamner, Harman, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Jordan, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Page, Price, Ramey, Rew, Savedge, Shepherd, Sinclair, Smith, C. H., Taylor, Tuck, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Wood, Wright, W. A., Mr. Speaker—50.

MR. PRICE offered the following resolution:

Resolved that the chair be vacated at 1:30 o'clock P. M., to be resumed at 8:00 o'clock P. M., which was agreed to.

The hour of 1:30 o'clock P. M. having arrived, the chair was vacated until 8:00 o'clock P. M.

WEDNESDAY, MARCH 30, 1927—NIGHT SESSION

The hour of 8 o'clock P. M. having arrived, the chair was resumed.

The consideration of No. 1 House joint resolution, proposing amendments to the Constitution of Virginia, special order, was resumed.

■ MR. DAVIS moved to amend section 80 by striking out the following:

"Secretary of the Commonwealth—a Secretary of the Common-

wealth shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first appointment under this section shall be made upon the expiration of the term of office of the Secretary of the Commonwealth, which began February first, nineteen hundred and twenty-six; but after January first, nineteen hundred and thirty-two, the election or appointment of a Secretary of the Commonwealth may be made in such manner and for such term as may be prescribed by law.

"The powers and duties of the Secretary of the Commonwealth shall be prescribed by law.

"On and after the first day of February, nineteen hundred and thirty, the General Assembly may abolish the office of Secretary of the Commonwealth," which was rejected.

MR. HALL moved to amend section 88 as follows:

Strike out the words "at least" and insert in lieu thereof the words "not more than," which was rejected.

MR. HALL moved to amend section 88 as follows:

Strike out the words "and additional judges may from time to time be authorized by law," which was rejected.

"MR. HALL moved to amend section 88 by striking out the following:

"The judge longest in continuous service shall be chief justice; and if two or more shall have so served for the same period, the senior in years of these shall be chief justice," and insert "The court shall select one of their number as chief justice," which was agreed to.

MR. FULLER moved to amend by striking out section 130 and inserting in lieu thereof:

"Section 130. State Board of Education, composition, vacancies, how filled.—The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney General, Superintendent of Public Instruction and three experienced educators to be elected quadrennially by the Senate from a list of eligibles consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind and also of the College of William and Mary, so long as the State continues its annual appropriation to the last named institution.

"The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

"Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board," which was rejected.

MR. WRIGHT, *of Essex*, moved to amend by adding at the end of section 132, a new section 132-a, as follows:

"The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term of the said board. His duties shall be prescribed by the State Board of Education unless otherwise provided by law and his compensation shall be fixed by law," which was rejected—ayes, 34; nays, 58.

On motion of MR. WRIGHT, *of Essex*, the vote was recorded as follows:

AYES—Bear, Bird, George T., Cato, Davis, Diggs, Folkes, Fuller, Graves, Hall, Hanes, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Kelly, Malbon, Pierce, Rew, Rodgers, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, J. S., Speers, Taylor, Topping, Warren, C. R., Witten, Wright, W. A., Young—34.

NAYS—Adams, Allman, Barton, Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Breneman, Brewer, Brown, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Gary, George, Graham, Hailey, Hamner, Harman, Jesse, Jones, E. B., Keezell, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Savedge, Smith, C. H., Snead, Stickley, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, J. W., Mr. Speaker—58.

MR. WRIGHT, *of Essex*, moved to amend section 132 by striking out, after the word "divisions," the following:

"It shall certify to the local school board or boards of each division in the State a list of persons having a reasonable academic and business qualifications for division superintendent of schools, one of whom shall be selected as the superintendent of schools for such division by the said school board or boards, as provided by section one hundred and thirty-three of this Constitution," which was rejected.

MR. HALL moved to amend section 135 by striking out the word "population" and inserting in lieu thereof the word "enrollment," and strike out the words "the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment," which was rejected.

MR. BREWER moved severally to amend article XI, section 147, by striking out in the title of article XI the word "charitable" and insert in lieu thereof the words "public welfare."

Section 147, line 1, of the title after the word "public" and before the comma, insert the word "welfare."

Section 147, after the word "such," insert the words "public welfare," which motions were severally agreed to.

MR. BEAR moved to amend section 155 as follows:

After the word "confirm," change comma to period, and strike out "but the General Assembly may provide for the election of members

of the commission, and for the filling of vacancies thereon in the same manner as is provided for the election of judges of the Supreme Court of Appeals, and for the filling of vacancies on such court," which was rejected.

MR. TOPPING moved to amend section 155 by striking out, after the words "the commissioners shall be," the following:

"Appointed by the Governor, subject to confirmation by the General Assembly in joint session. Their regular term of office shall be six years, respectively. The present commissioners shall continue in office until the expiration of their respective terms. The terms of their successors shall begin on the first day of February next succeeding their appointment and confirmation.

"Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a successor for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointment, enter upon the duties of their office.

"But no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned sine die without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm, but the General Assembly may provide for the election of members of the commission, and for the filling of vacancies thereon, in the same manner as is provided for the election of judges of the Supreme Court of Appeals, and for the filling of vacancies on such court,"

And insert in lieu thereof the following:

"The commissioners shall be elected by the General Assembly in joint session, and vacancies thereon filled in the same manner as is provided for the election of judges of the Supreme Court of Appeals and for the filling of vacancies on such court," which was agreed to.

On motion of MR. REW, the house adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

THURSDAY, MARCH 31, 1927

Prayer by Rev. William H. Laird, Assistant Minister, St. Paul's Episcopal Church, Richmond, Virginia.

On motion of MR. JONES, of *Spotsylvania*, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 30, 1927.

The Senate has agreed to house joint resolution authorizing and requesting the Governor to present a set of the Official Virginia Reports to the Ancient Middle Temple of the Inns of Court by gift or otherwise with an amendment in which they request the concurrence of the House of Delegates.

No. 15. Senate bill to amend and re-enact section 4066 of the Code of Virginia, as heretofore amended, in relation to public utility companies; and to repeal sections 4064 and 4065 of the Code of Virginia and section 1 of an act entitled "An act imposing public duties on heat, light, power, water and telephone companies, and providing for the control and regulation of such companies by the State Corporation Commission," approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924, and March 29, 1926; having been considered by the committee in session was reported from the Committee on General Laws.

No. 23. Senate bill to amend and re-enact section 1 of an act entitled "An act for the protection of fish in certain streams in Alleghany and Craig counties," approved February 26, 1926; having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns.

The following House bills having been considered by the committee in session were reported from the Committee on Roads and Internal Navigation:

No. 45. House bill to amend and re-enact subsection (e) of section 29 of an act entitled, "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of titles to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

No. 46. House bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year.

The following House bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia.

No. 48. House bill to amend and re-enact an act entitled, "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 49. House bill to amend and re-enact an act entitled, "An act requiring all oysters from the public rocks of the Commonwealth to be inspected when loading on vessels; measurements, tax; penalties," approved March 24, 1926; having been considered by the committee in session was reported from the Committee on the Chesapeake and its Tributaries.

House bill to authorize and permit the council of the town of Phoebus, to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Va.; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor, subject to a vote of the people thereon, and providing for taxes to pay said bonds; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact section 1 of an act entitled "An act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923," approved March 24, 1926, in the counties of Accomac and Northampton; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Chesapeake and its Tributaries.

House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion, the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to amend and re-enact section 3338 of the Code of Virginia, in relation to hunting, trapping, fishing and ranging upon property of another, adding the county of Alleghany to those excepted; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke," approved March 22, 1924; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

THE SPEAKER laid before the House, House joint resolution "authorizing and requesting the Governor to present a set of the Official

Virginia Reports to the Ancient Middle Temple of the Inns of Court by gift or otherwise."

The amendment proposed by the Senate as follows:

Strike out all of second paragraph after the word "available" in seventh line of said second paragraph, and insert in lieu thereof: 'And forward same by insured or registered mail to the Ancient Middle Temple of the Inns of Court accompanied by a letter from the Governor making formal presentation thereof in the name of the Commonwealth of Virginia,' was agreed to.

A message was received from the Senate by MR. BARKSDALE, who informed the House that the Senate had passed joint resolution allowing the introduction and consideration of a bill "to amend and re-enact section 3945 of the Code of Virginia of 1919, in relation to the establishment and maintenance of depots, telegraph and telephone offices, along their lines, by railroad companies doing business in the State, prescribing the powers of the State Corporation Commission with reference thereto, the duties of operators and train dispatchers, and imposing penalties for violation;" in which they request the concurrence of the House.

A message was received from the Senate by MR. KENDIG, who informed the House that the Senate had passed joint resolution allowing the introduction and consideration of a bill "to amend and re-enact section 2698 of the Code of Virginia as heretofore amended, relating to bonds of officers;" in which they request the concurrence of the house.

A message was received from the Senate by MR. FERGUSON, who informed the House that the Senate had passed joint resolution allowing the introduction and consideration of a bill "to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed;" in which they request the concurrence of the House.

A bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted, was presented by MR. HAMNER and referred under rule 37 to the Committee on Special, Private and Local Legislation.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time:

No. 15. Senate bill to amend and re-enact section 4066 of the Code of Virginia, as heretofore amended, in relation to public utility companies; and to repeal sections 4064 and 4065 of the Code of Virginia and section 1 of an act entitled "An act imposing public duties on heat, light, power, water and telephone companies, and

providing for the control and regulation of such companies by the State Corporation Commission," approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924, and March 29, 1926.

No. 23. Senate bill to amend and re-enact section 1 of an act entitled, "An act for the protection of fish in certain streams in Alleghany and Craig counties," approved February 26, 1926.

The following House bills were read at length a first time and ordered to be printed:

No. 45. House bill to amend and re-enact subsection (e) of section 29 of an act entitled, "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

No. 46. House bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year.

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia.

No. 48. House bill to amend and re-enact an act entitled, "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 49. House bill to amend and re-enact an act entitled, "An act requiring all oysters from the public rocks of the Commonwealth to be inspected when loading on vessels; measurements, tax, penalties," approved March 24, 1926.

The following House bills were read at length a third time and passed.

No. 29. House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable—ayes, 62; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Brown, Coiner, Cole, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Kelly, Lyon, Malbon, Mason,

Massenburg, Milstead, Moore, Mugler, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Sebrell, Shrader, Sinclair, Snead, Stickley, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watts, Weeks, Williams, Wood, Young, Mr. Speaker—62.

NAYS—0.

No. 30. House bill to authorize the board of supervisors, of Pittsylvania county, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity—ayes, 62; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Brown, Coiner, Cole, Diggs, Doosing, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Jones, C. A., Jones, E. B., Jones, J. P., Kelly, Lyon, Malbon, Mason, Moore, Mugler, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rew, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—62.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 29 and 30 House bills were passed, were rejected.

The following Senate bills were read at length a second time:

No. 7. Senate bill authorizing the board of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriations for the expenses of the judge of the thirty-fourth judicial circuit.

No. 10. Senate bill to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue and the ocean in said town, to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in the sum not exceeding \$250,000.00 for the construction of said walkway; and/or bulkhead; and to declare an emergency necessitating said construction.

No. 12. Senate bill to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors.

No. 13. Senate bill to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires or in going to or returning therefrom, in Arlington, Fairfax, and Prince William counties and the city of Alexandria.

No. 14. Senate bill to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors.

No. 9. Senate bill to repeal all special road laws now in force in the county of Rockingham, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways.

The hour of 10:15 o'clock A. M. having arrived:

No. 1. House joint resolution proposing amendments to the Constitution of Virginia, special order, came up.

MR. PAGE moved to amend section 37 by inserting after the words "may provide," the words "for its use and," which was agreed to.

MR. BEAR moved to amend subsection 24 of section 63 by striking out the following language: "Exempting either directly or indirectly any political subdivision from the operation of a general law," which was agreed to:

MR. GORDON moved to amend section 91 by striking out the words "chosen by the joint vote of the two houses of the General Assembly for terms of twelve years" and insert in lieu thereof "elected by the qualified voters of the State at large and shall hold office for life or during good behavior," which was rejected—ayes, 10; nays, 71.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Bolton, Boschen, Gordon, Graves, Hanes, Hicks, Jordan, Kelly, Malbon, Pierce—10.

NAYS—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Hailey, Harman, Jesse, Johnson, Jones, E. B., Jones, J. P., Keezell, Lyon, Mason, Massenburg, Milstead, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Snead, Stickley, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—71.

MR. GORDON moved to amend section 96 by striking out the words "chosen by the joint vote of the two houses of the General Assembly," and insert in lieu thereof the words "appointed by the Governor," which was rejected.

MR. GORDON moved to amend section 102 by striking out the words: "The General Assembly may enact such laws as it may deem necessary for the retirement of said judges with such compensation and such duties as it may prescribe" and insert after the words "which shall not be diminished," the words "or increased," which was rejected—ayes, 36; nays, 43.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Bear, Bird, George T., Bolton, Brown, Carter, Diggs, Doosing, Fain, Folkes, Gordon, Graves, Hall, Hanes, Harman, Hicks, Horner, Jones, C. A., Kelly, Malbon, Mason, Norris, Parker, W. A., Pierce, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, J. S., Tuck, Warren, C. R., Williams, Wright, J. W., Young—36.

NAYS—Adams, Allman, Bird, W. W., Bolling, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Cole, Coleman, Dovell, Gary, George, Graham, Hailey, Hamner, Jesse, Jones, E. B., Jones, J. P., Keezell, Massenburg, Milstead, Moore, Mugler, Nickles, Page, Price, Ramey, Smith, C. H., Snead, Stickley, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, W. A., Mr. Speaker—43.

MR. GORDON moved to amend section 103 by striking out the following language: "A county or city may increase the salary of its

circuit or city judge, or any one or more of them, such increase to be paid wholly by such county or city and not to be diminished during the term of office of such judge," which was rejected—ayes, 36; nays, 44.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Bird, George T., Bolton, Bowles, Brown, Bruce, Carter, Doosing, Folkes, George, Gordon, Graves, Hailey, Hall, Hanes, Harman, Hicks, Horner, Jones, C. A., Keezell, Kelly, Lyon, Malbon, Parker, W. A., Pierce, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Topping, Williams, Wood, Young—36.

NAYS—Barton, Bear, Bird, W. W., Bolling, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Cole, Coleman, Dovell, Fain, Fuller, Gary, Graham, Jesse, Jones, E. B., Jones, J. P., Jordan, Mason, Massenburg, Milstead, Moore, Mugler, Nickles, Norris, Page, Price, Shrader, Snead, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Witten, Wright, J. W., Wright, W. A., Mr. Speaker—44.

MR. GORDON moved severally to amend section 112 by striking out after the words "for the term of" the word "four" and insert in lieu thereof the word "two" and after the words "clerk shall hold office for" strike out "eight" and insert the word "six," which was severally rejected.

MR. ALLMAN moved to amend section 132 by adding at the end of the section the following: "Provided, however, the General Assembly may prescribe the time limit of or for the change of textbooks after they shall have been adopted" which was agreed to—ayes, 49; nays, 35.

On motion of MR. PRICE the vote was recorded as follows:

AYES—Adams, Allman, Bird, George T., Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Cato, Coiner, Coleman, Diggs, Folkes, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Hicks, Horner, Jeffreys, Jones, C. A., Jordan, Keezell, Kelly, Lyon, Malbon, Mugler, Parker, W. A., Pierce, Rew, Rodgers, Saunders, Sebrell, Shepherd, Smith, J. S., Snead, Speers, Topping, Tuck, Waller, Watkins, Williams, Witten, Wood, Wright, J. W.—49.

NAYS—Barton, Bear, Bird, W. W., Bolling, Booker, Brewer, Brown, Bruce, Carter, Cole, Doosing, Dovell, Fain, Fuller, Gary, Harman, Jesse, Johnson, Jones, E. B., Jones, J. P., Mason, Massenburg, Milstead, Moore, Nickles, Norris, Price, Ramey, Savedge, Sinclair, Warren, C. R., Warren, Geo. M., Warren, L. E., Young, Mr. Speaker—35.

MR. RODGERS moved to amend section 170 by striking out the following:

"(1) Any city or town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, may provide for special taxes or assessments upon abutting landowners for the making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, and the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such landowners.

(2) General ordinances may also be enacted by cities and towns and counties having a population greater than five hundred inhabitants per square mile as shown by the last United States census providing for special taxes or assessments against properties which are specially and peculiarly benefitted by public local improvements other

than those mentioned in subsection one (1) foregoing, made by such cities, towns and counties.

But under subsection two (2) of this section no city, town or county having a population greater than five hundred inhabitants per square mile as shown by the last United States census shall exercise the authority so to assess such properties specially and peculiarly benefitted until the provisions of a general ordinance authorizing the same shall be adopted by such city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, by a vote of a majority of the qualified voters thereof voting thereon at an election held for the purpose, nor shall such tax or assessment, other than that provided for in subsection one (1) be imposed, unless and until at least two-thirds in interest (as ascertained from assessed taxable values) of the owners of the properties so to be assessed shall, in writing, request such assessment.

The aggregate of taxes or assessments imposed under this section shall not exceed two-thirds of the total cost of such improvement.

No such taxes or assessments shall be imposed by a city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, except as authorized by this section.

Except in cities and towns, and counties having a population greater than five hundred inhabitants per square mile, as shown by the United States census, no such taxes or assessments for local public improvements shall be imposed upon any landowner," and insert in lieu thereof the following:

"No city, town or county having the right under this section shall impose any tax or assessment upon abutting landowners for street or other public local improvements, except for the making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners. Except in cities and towns, and counties having a population greater than five hundred inhabitants per square mile, as shown by United States census, no such taxes or assessments for local public improvements, shall be imposed on abutting landowners," which was rejected—ayes, 32; nays, 54.

On motion of MR. BOSCHEN, the vote was recorded as follows:

AYES—Adams, Boschen, Boyd, E. T., Breneman, Coleman, Folkes, Fuller, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Hicks, Horner, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Malbon, Mugler, Parker, W. A., Pierce, Price, Rodgers, Saunders, Shepherd, Warren, C. R., Warren, L. E., Williams, Wood—32.

NAYS—Allman, Barton, Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Gary, George, Hall, Harman, Jeffreys, Jesse, Jones, E. B., Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Ramey, Rew, Savedge, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Speers, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Watts, Weeks, Wright, J. W., Wright, W. A., Young, Mr. Speaker—54.

MR. JONES, of *Richmond city*, moved to amend section 170 by striking out after the words "Unless and until," and the following: "At least two-thirds in interest (as ascertained from assessed taxable values)" and insert the word "all," which was rejected.

MR. BOSCHEN moved to amend section 170 by adding at the end of the section, the following: "This section shall not apply to cities having a population of one hundred and seventy thousand or more," which was rejected.

MR. VELLINES moved to amend section 170 by striking out after the words "shall not exceed," the words "two-thirds" and insert the words "one-half," which was rejected.

MR. HAMNER moved to amend section 176 by striking out after the words "and subject to" the following: "The provisions of section one hundred and sixty-six" and insert in lieu thereof the words: "Such segregation of property, if any, as is provided in section one hundred and seventy-one," which was agreed to.

MR. PRICE moved severally to amend section 181 by inserting after the word "sections" the words "one hundred and seventy-one and," and after the word "mentioned" strike out the comma, and after the words "corporations therein mentioned," and strike out the word "to," which were severally agreed to.

MR. BARTON moved to amend section 185 by inserting after the words "except public roads" the words "and public parks," which was agreed to.

MR. NORRIS moved to amend section 189 by inserting after the word "authorize" the words "the governing bodies of," which was agreed to.

MR. NORRIS moved to amend section 189 by adding after the word "establishments" the words "and works of internal improvement" which was agreed to.

MR. TUCK moved to amend section 190 by adding at the end of the section the following: "Seventh. For necessities of life" which was rejected.

MR. BRUCE moved to reconsider the vote by which the House rejected the motion of MR. JONES, of *Highland*, to strike from section 10 the words "any warrant for search and seizures must have the name of the complaining party" which was agreed to—ayes, 54; nays, 35.

On motion of MR. BOSCHEN, the vote was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bolton, Booker, Boyd, E. T., Brewer, Brown, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, George, Graham, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Johnson, Jones, E. B., Jones, J. P., Keezell, Kelly, Malbon, Massenburg, Milstead, Moore, Mugler, Parker, W. A., Pierce, Price, Ramey, Rodgers, Savedge, Shepherd, Shrader, Smith, J. S., Snead, Taylor, Topping, Warren, C. R., Warren, Geo. M., Watkins, Weeks, Wood, Wright, J. W., Mr. Speaker—54.

NAYS—Bear, Bolling, Boschen, Bowles, Boyd, I. C., Breneman, Carter, Fain, Folkes, Fuller, Gary, Gordon, Graves, Hall, Jesse, Jones, C. A., Jordan, Lyon,

Mason, Moffett, Nickles, Norris, Page, Rew, Saunders, Sinclair, Smith, C. H., Tuck, Vellines, Waller, Warren, L. E., Watts, Witten, Wright, W. A., Young—35.

The motion of MR. JONES of *Highland* was agreed to—ayes, 49; nays, 36.

On motion of MR. BOSCHEN, the vote was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bolton, Booker, Boyd, E. T., Brewer, Brown, Bruce, Cato, Cole, Coleman, Diggs, Doosing, Dovell, George, Graham, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Johnson, Jones, E. B., Keezell, Kelly, Massenburg, Milstead, Mugler, Parker, W. A., Pierce, Price, Ramey, Rodgers, Savedge, Shepherd, Shrader, Smith, J. S., Snead, Taylor, Topping, Warren, C. R., Warren, Geo. M., Watkins, Weeks, Wright, J. W., Mr. Speaker—49.

NAYS—Bear, Bolling, Boschen, Bowles, Boyd, I. C., Breneman, Carter, Coiner, Fain, Folkes, Fuller, Gordon, Graves, Hall, Jesse, Jones, C. A., Jordan, Lyon, Mason, Moffett, Norris, Page, Rew, Saunders, Sebrell, Sinclair, Smith, C. H., Tuck, Vellines, Waller, Warren, L. E., Watts, Williams, Witten, Wright, W. A., Young—36.

MR. GARY stated that he would have voted in the negative but was paired with MR. JONES, of *Richmond city*.

MR. NORRIS moved to reconsider the vote by which the House agreed to the motion of MR. FOLKES to add to section 64 the following:

"No general or special law shall permit a different rate of interest for a smaller loan than for a greater loan under any pretext whatsoever," which was agreed to.

MR. NORRIS moved to amend the motion of MR. FOLKES by adding after the words "special law" the words "except in the case of mutual building and loan associations and banks" which was rejected.

The motion of MR. FOLKES was rejected.

The joint resolution as follows:

NO. 1 HOUSE JOINT RESOLUTION.

Proposing Amendment to the Constitution of Virginia,

Resolved by the House of Delegates, the Senate concurring, (a majority of the members elected to each house agreeing), That the following amendment to the Constitution of Virginia be, and the same is hereby, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence, in conformity with the provisions of section one hundred and ninety-six of the said Constitution, namely:

Strike out from the Constitution of Virginia articles one to fifteen thereof, both inclusive, and sections one to one hundred and ninety-seven thereof, both inclusive (except section eighty-one of article five, section one hundred and thirty-one of article nine, section one hundred and forty-five of article ten, section one hundred and fifty-two of article eleven, and section one hundred and seventy-one of article thirteen), and insert in lieu thereof the following:

CONSTITUTION OF VIRGINIA

ARTICLE 1

Bill of Rights

A declaration of rights, made by the good people of Virginia, in the exercise of their sovereign powers; which rights do pertain to them and their posterity, as the basis and foundation of government.

Section 1. Equality and rights of men.—That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 2. People the source of power.—That all power is vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

Section 3. Government instituted for common benefit.—That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indutiable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Section 4. No man entitled to exclusive emoluments or privileges; offices not to be hereditary.—That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

Section 5. Legislative, executive and judicial departments of State should be separate; election should be periodical.—That the legislative, executive and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Section 6. Suffrage; taxation; private property for public uses; consent of governed.—That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives

duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Section 7. Laws should not be suspended.—That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Section 8. Concerning criminal prosecutions generally.—That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers; nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious before a justice of the peace or other inferior tribunal, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases, and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty; and, if the accused plead not guilty, with his consent and the concurrence of the Commonwealth's attorney, he may be tried by a smaller number of jurors, or waive a jury. In case of such waiver, or plea of guilty, the court may try the case.

Section 9. Excessive bail or fines and cruel and unusual punishments prohibited.—That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 10. General warrants of search of seizure prohibited.—That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Section 11. No person to be deprived of property without due process of law; trial by jury to be held sacred.—That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Section 12. Freedom of the press and of speech.—That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

Section 13. Militia the proper defense of a free State; standing armies should be avoided; military should be subordinate to civil power.—That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free State; that standing armies, in times of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Section 14. Government should be uniform.—That the people have a right to uniform government; and, therefore, that no government separate from, or dependent of, the government of Virginia, ought to be erected or established within the limits thereof.

Section 15. Qualities necessary to preservation of free government.—That no free government, or the blessings of liberty can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Section 16. Religious freedom.—That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

Section 17. Construction of the bill of rights.—The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II

Elective Franchise and Qualification for Office

Section 18. Qualifications of voters.—Every citizen of the United States, twenty-one years of age, who has been a resident of the State one year, of the county, city, or town, six months, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved until the expiration of thirty days after such removal.

The right of citizens to vote shall not be denied or abridged on account of sex.

Section 19. Registration of voters; those registered prior to nineteen hundred and four.—Persons registered under the general registrations of voters during the years 1902 and 1903, whose names were required to be certified by the officers of registration for filing, record and preservation in the clerk's office of the several circuit and corporation courts, shall not be required to register again, unless they

shall have ceased to be residents of the State, or become disqualified by section 23.

Section 20. Who may register.—Every citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid \$1.50, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as part of his official records.

Section 21. Conditions for voting.—A person registered under the general registration of voters during the years 1902 and 1903, or under the last section, shall have the right to vote for all officers elective by the people, subject to the following conditions:

That unless exempted by section 22, he shall, as a prerequisite to the right to vote, personally pay, at least six months' prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote.

If he shall have registered after the first day of January, 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Section 22. Persons exempt from payment of poll tax as condition of right to vote.—No persons, nor the wife or widow of such person, who, during the late war between the States, served in the army or navy of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become two years past due.

Section 23. Persons excluded from registering and voting.—The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons, who, prior to the adop-

tion of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery or perjury; persons who while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such a duel, either within or without this State, or knowingly conveyed such a challenge, or aided or assisted in any way in the fighting of such duel.

Section 24. Who not deemed to have gained legal residence.—No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Section 25. Directions to General Assembly in regard to registration and transfers.—The General Assembly shall provide for the annual registration of voters under section 20, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration thereunder, and also for the proper transfer of all voters registered under this Constitution.

Section 26. Persons qualified to vote at next election shall be admitted to registration.—Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Section 27. Method of voting.—All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Section 28. Ballots.—The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Section 29. Privileges of voters during election.—No voter, during the time of holding any election at which he is entitled to vote shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and

no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Section 30. General Assembly may prescribe property qualification for voting in county, city or town elections.—The General Assembly may prescribe a property qualification not exceeding \$250.00 for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election of officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town, such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly, in its discretion, may make such exemptions from the operation of said property qualifications as shall not be in conflict with the Constitution of the United States.

Section 31. Electoral boards; appointment and composition; powers and duties of; who ineligible.—There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county, or the corporation court of the city, or the judge of the court in vacation. The present members of such boards shall continue in office until the expiration of their respective terms; and thereafter their successors shall be appointed for the term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and the next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Section 32. Qualifications of officers and of notaries public.—Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise; and except, further, that the requirements of this section as to residence and voting qualifications shall not apply to the appointment of persons to fill positions or posts requiring special technical or professional training and experience.

Persons eighteen years of age shall be eligible to the office of notary public and qualified to execute the bonds required of them in that capacity.

Section 33. When terms of officers to begin and end.—Until otherwise prescribed by law, the terms of all officers elected under this Constitution shall begin on the first day of February next succeed-

ing their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Section 34. Oath to be prescribed.—Members of the General Assembly, and all officers, executive and judicial, elected or appointed after the Constitution goes into effect shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as....., according to the best of my ability, so help me God."

Section 35. Primary elections; who may vote.—No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Section 36. General Assembly shall enact laws to regulate elections.—The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offenses, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Section 37. Voting machines.—The General Assembly may provide for its use and for the use, throughout the State, or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat; provided, that the secrecy of the voting be not thereby impaired.

Section 38. Duties of treasurers, clerks of circuit and corporation courts and sheriffs in regard to making, filing, delivering and posting list of paid poll taxes; how corrected.—The treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts in the counties, and in such manner as the General Assembly may direct in the cities, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy of each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy without delay at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were

respectively posted, which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law. The original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same.

Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered with the poll books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer, unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

ARTICLE III

Division of Powers

Section 39. Departments to be distinct.—Except as herein-after provided, the legislative, executive and judicial departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV

Legislative Department

Section 40. General Assembly to consist of Senate and House of Delegates.—The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Section 41. Number and election of senators.—The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

Section 42. Number and election of delegates.—The House of Delegates shall consist of not more than one hundred and not less

than ninety members, who shall be elected biennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

Section 43. Apportionment of Commonwealth into senatorial and house districts.—The present apportionment of the Commonwealth into senatorial and house districts shall continue; but a reapportionment shall be made in the year 1932 and every ten years thereafter.

Section 44. Qualifications of senators and delegates; who in eligible; removal from district vacates office.—Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the State government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; and no person holding any such office or post of profit or emolument under the United States government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

Section 45. Salaries of members of General Assembly to be fixed by law; members not to be elected or appointed in civil offices of profit except by election by the people.—The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be elected by the General Assembly to any civil office of profit in the State.

Section 46. Time and duration of meetings of General Assembly; adjournments; majority shall be a quorum; power of smaller number than a quorum.—The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Members shall be allowed a salary for not exceeding sixty days at any regular session and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do

business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

Section 47. Power of each house of General Assembly to elect its presiding officer, make its own rules, fill vacancies, and judge of the election and qualification of members and punish and expel members.—The House of Delegates shall choose its own Speaker; and, in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose from its own body a president pro tempore. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Section 48. Privileges of members of General Assembly.—Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

Section 49. Journal of proceedings.—Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Section 50. Enactment of laws; tax laws shall specifically state the tax and require a vote of majority of members.—No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been:

(a) Referred to a committee of each house, considered by such committee in session and reported;

(b) Printed by the house in which it originated prior to its passage therein;

(c) Read by title on three different calendar days in each house; and unless—

(d) Upon its final passage a yeas and nays vote has been taken thereon, separate and apart from any other bill, in each house, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

Only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either

house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, and the names of the members voting for and against, entered on the journal.

No bill which creates or establishes a new office, or which creates, continues or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax, and no law shall be construed as so stating such tax, which requires a reference to any other law or any other tax.

The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

Section 51. Standing committee on Special, Private and Local Legislation.—There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on Special, Private and Local Legislation. Before reference to a committee as provided by section 50, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying statement, shall take the course provided by section 50. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section 50 for the discharge of other committees.

Section 52. Law shall embrace but one object, which shall be expressed in its title; how laws revived or amended.—No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

Section 53. Time when laws take effect.—No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in

each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

Section 54. Impeachments; proceeding under; extent of judgment under; indictment, et cetera, to lie.—The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate which shall have sole power to try impeachments. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State, but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Section 55. Apportionment of State into congressional districts by General Assembly.—The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

Section 56. Directions to General Assembly concerning elections and declaring offices vacant.—The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Section 57. Power of General Assembly to remove disabilities.—The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section 23, of article II, of this Constitution, with reference to duelling.

Section 58. Prohibitions on General Assembly as to suspension of writ of habeas corpus, and enactment of laws referring to religion and other laws.—The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any ex-post facto law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry, whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise

suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Section 59. General Assembly shall not incorporate churches or religious denominations; may secure church property.—The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Section 60. Lotteries and sale of lottery tickets prohibited.—No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

Section 61. Formation, division and consolidation of counties.—No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below 8,000. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

The General Assembly may provide for the consolidation of existing counties on a vote of a majority of the qualified voters of each of such counties voting at an election held for that purpose.

Section 62. Power of General Assembly to enact liquor laws.—The General Assembly may enact laws controlling, regulating, or prohibiting the manufacture or sale of intoxication liquors.

Section 63. Power of the General Assembly and limitations thereon.—The authority of the General Assembly shall extend to all subjects of legislation, not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly shall not enact any local, special or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting, or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
17. Creating private corporations, or amending, renewing, or extending the charters thereof.
18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.
19. Naming or changing the name of any private corporation or association.
20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.
21. Authorizing or directing any city, town, county, district, or other political subdivision of the State, to issue bonds, notes, or other interest-bearing obligations.

22. Providing for the construction, reconstruction, repair or maintenance of roads, streets, alleys, bridges, or other highways not parts of the State highway system.

Furthermore, it is declared the policy of this Commonwealth, so far as it can control the same by constitutional provision, or General Assembly of this Commonwealth shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted.

Section 64. General Assembly shall enact general laws in cases mentioned in preceding section, and wherever general laws will apply; amendment or partial repeal of general laws will apply; amendment or partial repeal of general law shall not enact special law; restrictions as to laws.—In all cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of the enactment of a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by article XIII. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

Section 65. Powers of local and special legislation may be conferred by General Assembly, by general law, on supervisors and councils.—The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

Section 66. Clerk of the House of Delegates to be Keeper of the Rolls, without compensation; General Assembly shall prescribe number and compensation of its clerks and employees.—The Clerk of the House of Delegates shall be Keeper of the Rolls of the State, but shall receive no compensation from the State for his services as such.

The General Assembly, by general law, shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof, and fix their compensation at a per diem of the time actually employed in the discharge of their duties.

Section 67. Limitations on appropriations by General Assembly to charitable and other institutions; exceptions.—The General Assembly shall not make any appropriation of public funds, or personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or

partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to nonsectarian institutions for the reform of youthful criminals; but nothing herein contained shall prohibit the General Assembly from authorizing counties, cities, or towns, to make such appropriations to any charitable institution or association.

Section 68. Auditing committee, appointment and constitution; powers and duties.—At each regular session, the General Assembly shall appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, to be known as the Auditing Committee. Such committee shall annually, or oftener, in its discretion, examine the books and accounts of the Auditor of Public Accounts, the State Treasurer, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the State revenue, and of the public institutions of the Commonwealth.

Such committee shall report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. At the beginning of each session the Governor shall submit such reports to the General Assembly.

The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and may employ one or more accountants to assist in its investigations.

ARTICLE V

Executive Department

Section 69. Governor, term of office.—The chief executive power of the State shall be vested in a Governor. He shall hold office for a term commencing on the third Wednesday in January next succeeding his election and ending on the Tuesday after the second Wednesday in January in the fourth year thereafter. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Section 70. How and when elected; how results ascertained; how tie or contested elections decided.—The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, or to such other officer as may be prescribed by law, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within three days thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two

houses of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

Section 71. Qualifications of Governor.—No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

Section 72. His place of residence and compensation.—The Governor shall reside at the seat of government. He shall receive for his services a compensation to be prescribed by law, which shall neither be increased nor diminished during the period for which he shall have been elected. While in office he shall receive no other emolument from this or any other government.

Section 73. Duties and powers of Governor.—The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign States; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant Governor; but in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed.

The Governor shall have power, during the recess of the General Assembly, to appoint, pro tempore, successors to all officers so suspended, and to fill, pro tempore, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision. Such appointments to vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly.

He shall have power to remit fines and penalties under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment.

He, shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

The General Assembly may, however, provide for a pardoning board, not exceeding three in number, to be appointed by the Governor, and to serve during his pleasure. Such board may be vested with exclusive pardoning power over sentences in all criminal cases, and shall make to the General Assembly, at each session, a report similar to that required of the Governor.

74. Further powers of Governor.—The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of State institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney General upon any question of law affecting the official duties of the Governor.

Section 75. Commissions and grants; how they shall run and how attested.—Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Section 76. Bills, duties of Governor in regard to; proceedings of General Assembly in passing bills over veto of Governor; effect of failure of Governor to sign.—Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass a bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceeding shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided, that if after such reconsideration, both houses, by a vote of a majority

of the members present in each, shall agree to amend the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

Section 77. Lieutenant Governor, election and qualification.—A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Section 78. Duties of Lieutenant Governor.—In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Section 79. Lieutenant Governor shall be President of Senate; compensation as such.—The Lieutenant Governor shall be President of the Senate, but shall have no vote except in case of an equal division; and while acting as such shall receive a compensation equal to that allowed the Speaker of the House of Delegates.

Section 80. Secretary of the Commonwealth.—A Secretary of the Commonwealth shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first appointment under this section shall be made upon the expiration of the term of office of the Secretary of the Commonwealth, which began February 1, 1926; but after January 1, 1932, the election or appointments of a Secretary of the Commonwealth may be made in such manner and for such term as may be prescribed by law.

The powers and duties of the Secretary of the Commonwealth shall be prescribed by law.

On and after the first day of February, 1930, the General Assembly may abolish the office of Secretary of the Commonwealth.

Section 82. Auditor of Public Accounts.—An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Section 83. Salaries of officers of the executive department.—The salary of each officer of the executive department shall be fixed

by law, and shall not be increased or diminished during his term of office.

Section 84. Checks and balances on officers entrusted with collection or revenue, establishment of.—The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of revenues of the State.

Section 85. Bond of officers handling State funds.—All State officers and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

Section 86. Bureau of Labor and Statistics.—The General Assembly shall have power to establish and maintain a Bureau of Labor Statistics, under such regulations as may be prescribed by law.

Section 86-a. Effect of refusal of General Assembly to confirm an appointment by the Governor.—No person appointed to any office by the Governor, whose appointment is subject to confirmation by the General Assembly, under the provisions of this Constitution or any statute, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, nor shall such person be eligible for reappointment during the recess of the General Assembly to fill the vacancy caused by such refusal to confirm.

ARTICLE VI

Judiciary Department

Section 87. Composition and jurisdiction.—The judicial power of the State shall be vested in a Supreme Court of Appeals, circuit courts, city courts, and such other courts, inferior to the Supreme Court of Appeals, as are hereinafter authorized, or as may be hereafter established by law. The jurisdiction of these tribunals, and of the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

The Governor may be authorized by law to appoint judges pro tempore.

Section 88. Supreme Court of Appeals; composition and jurisdiction.—The Supreme Court of Appeals shall consist of at least seven judges, and additional judges may, from time to time, be authorized by law.

The court may sit in two divisions. Any three of such judges may hold a court, and shall have the full power and authority of the court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this Constitution, or provided by law, subject to the supervision and control of the court as a whole, and to such rules and regulations as the court may prescribe; but there shall be no judgment of reversal, nor the exercise of original jurisdiction, unless concurred in by at least a majority of those sitting.

The court shall have original jurisdiction in cases of habeas corpus, mandamus and prohibition, but in other cases in which it shall have jurisdiction it shall have appellate jurisdiction only.

Subject to such reasonable rules as may be prescribed by law as to the course of appeal, the limitation as to time, the value, amount or subject matter involved, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law as being repugnant to the Constitution of the State or of the United States, or involving the life or liberty of any person; and in such other cases as may be prescribed by law. No appeal shall be allowed to the Commonwealth in a case involving the life or liberty of a person.

An appeal by the Commonwealth may be allowed in any case involving the violation of a law relating to the State revenue.

No bond shall be required of an accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

Each of the judges shall have the title of justice. The court shall select one of their number as chief justice.

Section 89. special court of appeals.—The General Assembly may, from time to time, provide for a special court of appeals to try any cases on the docket of the Supreme Court of Appeals, in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record, or of the judges of either of said courts, or of any of the judges of said courts, together with one or more of the judges of the Supreme Court of Appeals.

Section 90. Opinions of Supreme Court of Appeals shall be written.—When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

Section 91. Qualifications and terms of judges of Supreme Court of Appeals; how chosen.—The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly for terms of twelve years. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years.

Section 92. Officers of Supreme Court of Appeals.—The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

The Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Section 93. Sessions of Supreme Court of Appeals.—The Supreme Court of Appeals shall hold its sessions at one or more places in the State, as may be fixed by law.

Section 94. Judicial circuits, number and constitution.—The judicial circuits of the State shall continue as at present until changed as hereinafter provided.

Section 95. Powers of General Assembly to rearrange judicial circuits; limitations.—The General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than 40,000 inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below 40,000, according to such census.

Section 96. Circuit judges; election, qualifications; residence and term of office.—For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly for a term of eight years. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge.

Section 97. Terms of circuit courts; judges may be required to hold terms in other circuits.—The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

Section 98. Division of cities into classes; courts of each class, additional courts of cities, how provided; abolition and cessation of corporation or city courts.—For the purposes of a judicial system, the cities of the State shall be divided into two classes.

Cities having a population of 10,000 or more, as shown by the last United States census, or other census provided by law, shall be cities of the first class; and those having a population of less than 10,000, as thus shown, shall be cities of the second class.

In each city of the first class, there may be, in addition to the circuit court, a corporation court. In any city containing 30,000 inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law.

In every city of the second class, the corporation or hustings court now existing shall continue under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified voters of such city at an election held for the purpose. And whenever the office of judge of a corporation or hustings court of a city of the second class, whose annual salary is less than \$800.00, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law; and the records of such corporation or hustings

court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law. During the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in actions at law and suits in equity, unless otherwise provided by law.

Section 99. Judges of city courts; qualifications, term of office and residence; holding court in other circuits.—For each city court of record a judge shall be chosen for a term of eight years by a joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than 10,000 inhabitants, may reside outside of the city limits; and such judge may be judge of such corporation court and judge of the corporation court of some other city having less than 10,000 inhabitants. The judges of city courts may be required or authorized to hold the circuit or city courts of any county or city.

Section 100. Courts of land registration.—The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of title to land in the State, or any part thereof.

Section 101. Clerks of courts; jurisdiction in cases of wills, insane persons, etc.—The General Assembly may confer upon the clerks of the several courts having probate jurisdiction, jurisdiction of the probate of wills, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of persons adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Section 102. Judges, how commissioned; salaries and allowances; terms of office; vacancies; retirement and compensation.—Judges shall be commissioned by the Governor. They shall receive such salaries and allowances as shall be prescribed by law, the amount of which shall not be diminished during their term of office. Their term of office shall commence on the first day of February next following their election. Whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term. The General Assembly may enact such laws as it may deem necessary for the retirement of said judges with such compensation and such duties as it may prescribe.

Section 103. Salaries of judges.—The salaries of judges shall be paid out of the State treasury, but the State shall be reimbursed for one-half of the salaries of each of the circuit judges by the counties and cities composing the circuit, according to their respective populations, and of each of the judges of a city of the first class by the city in which such judge presides; except that the entire salary of the judge of the circuit court of the city of Richmond shall be paid by the State.

A county or city may increase the salary of its circuit or city judge or any one or more of them, such increase to be paid wholly by such county or city and not to be diminished during the term of office of such judge. A city containing less than 10,000 inhabitants shall pay the salary of its city judge.

Section 104. Removal of judges for cause.—Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Section 105. Judges shall not practice law or hold office of public trust; exception.—No judge of a court of record shall practice law within or without this State, nor hold any other office of public trust during his continuance in office; except that the judge of a city court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Section 106. Writs and indictments.—Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

Section 107. Attorney General, election, commission, duties and compensation.—An Attorney General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Section 108. Justices of the peace.—The General Assembly may provide for the appointment or election of justices of the peace and prescribe their jurisdiction.

Section 109. Applications for bail.—The General Assembly shall provide by whom, and in what manner, applications for bails shall be heard and determined.

ARTICLE VII

Organization and Government of Counties

Section 110. County officers, number, terms and compensation; county organization.—There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who, unless otherwise provided by law, shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county, one commissioner of the revenue.

The duties and compensation of such officers shall be prescribed by the general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties conjointly. The provisions for such conjointly elected or appointed officers shall apply only to such counties as may adopt the same by a majority vote of the qualified voters of each of such counties voting in any election held for such purpose.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions; such consolidation shall apply only to such counties and cities as may authorize the same, in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may by general law provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

Section 111. Magisterial districts, supervisors; how chosen, powers and duties.—The magisterial districts shall, until changed by law, remain as now constituted; provided, that hereafter no additional districts shall be made containing less than thirty square miles. Subject to the provisions of section 110, in each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods, and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

Section 112. Elections for county and district officers, when held; terms of officers.—Regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and such officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years.

Section 113. No person shall hold more than one office at the same time. Additional security may be required of officer.—Subject to the provisions of section 110 foregoing, no person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Section 114. County not responsible for acts of sheriff.—Counties shall not be made responsible for the acts of the sheriffs.

Section 115. Examination of books, accounts, et cetera, of officers handling public funds.—The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

Section 115-a. Power of counties and districts to borrow money and to issue evidences of indebtedness restricted.—No debt shall be contracted by any county, or by or on behalf of any district of any county, or by or on behalf of any school board of any county, or by or on behalf of any school district in any county, except in pursuance of authority conferred by the General Assembly by general law; and the General Assembly shall not authorize any county, or any district of any county, or any school board of any county, or any school district in any county, to contract any debt except to meet casual deficits in the revenue or to redeem a previous liability, unless in the general law authorizing the same, provision be made for the submission to the qualified voters of the proper county or district, for approval or rejection, by a majority vote of the qualified voters voting in an election, the question of contracting such debt; and such approval shall be a prerequisite to contracting such debt. No script, certificate or other evidence of county or district indebtedness shall be issued except for such debts as are expressly authorized in this Constitution or by the laws made in pursuance thereof.

ARTICLE VIII

Organization and Government of Cities and Towns

Section 116. Definitions of "cities" and "towns,"—As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of 5,000 or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than 5,000, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than 5,000 inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

Section 117. General Assembly shall enact laws for government of cities and towns; how special act therefor passed; as to city charters existing at adoption of Constitution.—

(a) General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in article IV of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of

this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly; provided, that every such charter is hereby amended to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

(b) The General Assembly may, by general law or by special act (passed in the manner provided in article IV of this Constitution) provide for the organization and government of cities and towns without regard to, and unaffected by, any of the provisions of this article, except those of sections 124, 125 (except so far as the provisions of section 125 recognize the office of mayor and the power of veto), 126 and 127 of this article, and except those mentioned in subsection (d) of this section. The term "council" as used in any of said sections shall include the body exercising legislative authority for the city or town, and all ordinances enacted and resolutions adopted by such body shall have the same force and effect for all purposes, as if enacted or adopted in accordance with the provisions of section 123 of this article. But such organization and government shall apply only to such cities or towns as may thereafter adopt the same by a majority vote of those qualified voters of any such city or town voting in any election to be held for the purpose, as may be provided by law.

(c) The General Assembly, at the request of any city or town, made in manner provided by law, may grant to it any special form of organization and government authorized by subsection (b) of this section, and subject to all of the provisions of that subsection except that it shall not be necessary for such city or town to thereafter adopt the same.

(d) Any laws or charters enacted pursuant to the provisions of this section shall be subject to the provisions of this Constitution relating expressly to judges and clerks of courts, attorneys for the Commonwealth, commissioners of the revenue, city treasurers and city sergeants.

(e) Any form of organization and government authorized by any provisions of this section which may have been adopted heretofore by any city or town pursuant to any act of the General Assembly enacted before such provision became effective, and which is now in operation, is hereby declared legal and valid *ab initio*, and shall have the same force and effect as if it had been authorized by this Constitution at the time of its adoption.

Section 118. Clerks of city courts, elections, duties and number; only one in city of less than 30,000 inhabitants.—In each city which has a court in the office of which deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of court for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than 30,000 inhabitants

there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Section 119. Commonwealth's attorney in cities; commissioner of the revenue in cities.—In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected one commissioner of the revenue for a term of four years.

The duties and compensation of such officers shall be prescribed by law.

Section 120. City officers, their titles, election, powers and duties.—In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years; one city sergeant for a term of four years, whose duties shall be prescribed by law; and a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, in the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

Section 121. City council, composition, how elected, powers and duties; ineligibility of members to certain offices; powers and duties as to reapportionments; when mandamus against council lies.—There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected

by the qualified voters of such city, in the manner prescribed by law, but so as to give, as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but the General Assembly may permit the council to consist of one branch.

No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment.

The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries of the wards thereof, and shall, in the year 1933, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, reapportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duties so prescribed, a mandamus shall lie on behalf of any citizen thereof to compel its performance.

Section 122. Election and terms of office of city officers.—The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidentally with that of the judges of said courts; provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

Section 123. Ordinances, proceedings to pass over veto of mayor; as to appropriation ordinances vetoed.—Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it, but if not, if the council consists of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If after such consideration two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at

length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consist of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of \$100.00 imposing taxes, or authorizing the borrowing of money, shall be passed except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes, or authorizing the borrowing of money.

Section 124. Consent of corporate authorities necessary to use of streets, alleys, or public grounds by certain companies or persons.—No street railway, gas, water, steam, or electric heating, electric light or power, coal storage, compressed air viaduct, conduit telephone or bridge company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

Section 125. Sale of corporate property and granting of franchises by cities and towns.—The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a

manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

Section 126. Corporate limits, contraction or extension of, General Assembly shall provide for.—The General Assembly shall provide by general laws for the extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

Section 127. Concerning bonded indebtedness of cities and towns.—No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorized a larger percentage of indebtedness than is authorized by this section; and provided, further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year; provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year;

(b) Both authorized by an ordinance enacted in accordance with section 123, and approved by the affirmative vote of the majority of

the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

Section 128. (Omitted.)

ARTICLE IX

Education and Public Instruction

Section 129. Free schools to be maintained.—The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

Section 130. State Board of Education; composition; vacancies, how filled.—The general supervision of the school system shall be vested in a State Board of Education, to be appointed by the Governor, subject to confirmation by the General Assembly, and to consist of seven members. The first appointment under this section shall be, one member for one year, two members for two years, two members for three years, and two members for four years, and thereafter all appointments shall be made for a term of four years, except appointments to fill vacancies, which shall be for the unexpired terms.

Section 132. Powers and duties of State Board of Education.—The duties and powers of the State Board of Education shall be as follows:

First. It shall divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall certify to the local school board or boards of each division in the State a list of persons having reasonable academic and business qualifications for division superintendent of schools, one of whom shall be selected as the superintendent of schools for such division by the said school board or boards, as provided by section 133 of this Constitution.

Second. It shall have the management and investment of the school fund under regulations prescribed by law.

Third. It shall have such authority to make rules and regulations for the management and conduct of the schools as the General Assembly may prescribe; but until otherwise provided by law, the State Board of Education may continue existing rules and regulations in force and amend or change the same.

Fourth. It shall select textbooks and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively. Provided, however, the General Assembly may prescribe the time limit of or for the change of textbooks after they have been adopted.

Section 133. School districts; school trustees.—The supervision of schools in each county and city shall be vested in a school board, to be composed of trustees to be selected in the manner, for the term and to the number provided by law. Each magisterial district shall constitute a separate school district, unless otherwise provided by law, and the magisterial district shall be the basis of representation on the school board of such county or city, unless some other basis is provided by the General Assembly; provided, however, that in cities of 150,000 or over, the school boards of the respective cities shall have power, subject to the approval of the local legislative bodies of said cities, to prescribe the number and boundaries of the school districts.

There shall be appointed by the school board, or boards, of each school division, one division superintendent of schools, who shall be selected from a list of eligibles certified by the State Board of Education, and shall hold office for four years. In the event that the local board, or boards, fail to elect a division superintendent within the time prescribed by law, the State Board of Education shall appoint such division superintendent.

Section 134. Literary fund.—The General Assembly shall set apart as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes, of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offenses committed against the State, and such other sums as the General Assembly may appropriate.

Section 135. Appropriations for school purposes, school age.—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an amount equal to the total that would be received from an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment. And, the General Assembly shall make such other appropriations for school purposes as it may deem best to be apportioned on a basis to be provided by law.

Section 136. Local school taxes.—Each county, city or town, if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate in any one year a rate of levy to be fixed by law, to be apportioned and expended by the local school authorities of said

counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require; provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

Section 137. Agricultural, normal, manual training and technical schools.—The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

Section 138. Compulsory education; exceptions.—The General Assembly may, in its discretion, provide for the compulsory education of children of school age.

Section 139. Free textbooks.—Provision shall be made to supply children attending the public schools with necessary textbooks in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

Section 140. Mixed schools prohibited.—White and colored children shall not be taught in the same school.

Section 141. State appropriations prohibited to schools or institutions of learning not owned or exclusively controlled by State or some subdivision thereof; exceptions to rule.—No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof; provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February 23, 1892, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to nonsectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

Section 142. Boards of visitors and trustees of educational institutions, how appointed, and term of office.—Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years; provided, that at the first appointment, if the board be of an even number, one-half of them, or, if an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X

Agriculture and Immigration

Section 143. Department of Agriculture and Immigration, where maintained, how controlled, composition, qualification of members,

how appointed and term of office.—There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capitol of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the President of the Virginia Polytechnic Institute, who shall be ex-officio member of the board.

Section 144. Powers and duties of same.—The powers and duties of the board shall be prescribed by law; provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

Section 146. President of Board of Agriculture and Immigration to be ex-officio member of Board of Visitors of Virginia Polytechnic Institute.—The President of the Board of Agriculture and Immigration shall be ex-officio a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI

Public Welfare and Penal Institutions

Section 147. Public welfare, charitable, reformatory, or penal institutions.—Such public welfare, charitable, sanitary, benevolent, reformatory or penal institutions as the claims of humanity and the public good may require shall be established and operated by the Commonwealth under such organization and in such manner as the General Assembly may prescribe.

Until otherwise prescribed by law, the existing institutions and laws with respect thereto shall continue.

Section 148. (Omitted.)

Section 149. (Omitted.)

Section 150. (Omitted.)

Section 151. (Omitted.)

ARTICLE XII

Corporations

Section 153. Definition of terms used in article; article not to conflict with Federal Constitution.—As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of incorporation by, or under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee, or person in any way engaged in business as a common carrier over a route acquired in whole or in part under

the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered;" the terms "rate," "charge" and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Section 154. As to chartering of corporations, and legislation relating thereto by General Assembly; surrender of charters; special acts regulating corporations prohibited.—The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revokable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for nonuser or misuser. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

Section 155. State Corporation Commission; how appointed; term of office; how vacancies filled; who ineligible; qualifications of at least one member; how removed or impeached; officers, how elected; rules of order and procedure; general provisions; salaries.—A permanent commission, to consist of three members, is hereby created which shall be known as the State Corporation Commission. The commissioners shall be elected by the General Assembly in joint session and vacancies therein filled in the same manner as is provided

for the election of judges of the Supreme Court of Appeals, and for the filling of vacancies on such court.

No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof.

At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court.

The commission shall annually elect one of its members chairman of the same, and shall have one clerk, and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof.

The General Assembly may establish within the department, and subject to the supervision and control of the commission, subordinate divisions, or bureaus, of insurance, banking, or other special branches of the business of that department.

All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the exercise of the judicial, legislative and discretionary functions of the commission, whether there be a vacancy in the commission or not, except as otherwise provided by law, but a quorum shall not be necessary for the exercise of its administrative functions which are mandatory. The commission shall keep its office open for business on every day except Sundays and legal holidays.

Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties.

The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued by the commission of its own motion; and shall fix the salaries of the members of the commission.

Section 156. Powers, duties and method of procedure of commission.—

(a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State.

The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law. It shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works on July tenth, 1902, except so far as they are or may be inconsistent with the law or this Constitution.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void.

The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company.

Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where, the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four

consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place, when and where, the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission.

The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws: provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well as against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law.

The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the prop-

erty of corporations, or the appraisalment of their franchises, for taxation, or with the investigation of the subject of taxation generally.

Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding \$500.00, as the commission may deem proper, or such sum, in excess of \$500.00, as may be prescribed, or authorized, by law, and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offense: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in subsection (c) of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals, from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee.

The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney General or his legally appointed representatives. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeal as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties: provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court of Appeals to the com-

mission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of supersedeas may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been executed, and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal, and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded, with legal interest from the date of collection thereof, by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus, and Commonwealth's cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action, appealed from, was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified

and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct, but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation, or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned: provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme

Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(j) In addition to the modes of amendment provided for in article XV of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend subsections (a) to (i), inclusive, of this section, or any of them, or any such amendment thereof: provided, that no amendment made under authority of this subsection shall contravene the provisions of any part of this Constitution other than the subsections last above referred to or any such amendment thereof.

(k) All books, papers and documents pertaining to the Board of Public Works and the office of Railroad Commissioner, which have been transferred to the State Corporation Commission, shall continue to be a part of its records.

Section 157. Fees from corporations.—Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State, if it be a foreign company and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by this article; but the General Assembly may relieve

from the payment of said registration fee any purely charitable institution or institutions.

Section 158. Effect of amendment of previously obtained charter of corporation.—Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

Section 159. Eminent domain and police power of State never abridged.—The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Section 160. Concerning rates of transportation and transmission companies.—No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to the government of this State, or of the United States or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Section 161. Free transportation of members of General Assembly and of State, county, district, or municipal officers, except members and officers of State Corporation Commission, prohibited; penalty; policemen and firemen excepted.—No transportation or transmission company doing business in this State shall grant to any

member of the General Assembly, or to any State, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege, or benefit prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Section 162. Fellow-servant doctrine abolished to extent stated.—The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servant of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a non-assignable duty: provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances

or structures shall be no defense to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Section 163. As to foreign corporations.—No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation; or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate, when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of nonresident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corporations whenever, and in whatsoever respect, it may deem wise or expedient.

Section 164. Right of regulation and control of common carriers and public service corporations never surrendered or abridged.—The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the

performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered or abridged.

Section 165. General Assembly shall enact laws preventing all trusts, combinations and monopolies inimical to the public welfare.—The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

Section 166. Right to parallel railroads; as to building road parallel to Richmond, Fredericksburg and Potomac railroad; duties of connecting railroad.—The exclusive right to build or operate railroads parallel to its own, or any other, line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac railroad.

Section 167. Concerning issuance of stocks and bonds by corporations; penalty for violation.—The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued; and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services or property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

ARTICLE XIII

Taxation and Finance

Section 168. Taxable property; taxes shall be uniform as to class of subjects and levied and collected under general laws.—All property,

except as hereinafter provided, shall be taxed; all taxes, whether State, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may define and classify taxable subjects, and except as to classes of property herein expressly segregated for either State or local taxation, the General Assembly may segregate the several classes of property so as to specify and determine upon what subjects, State taxes, and upon what subjects, local taxes may be levied.

Section 169. How property assessed; General Assembly may grant cities and towns right to reduce taxation for a period of years on land added to corporate limits.—Except as hereafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. So long as the State shall levy upon any public service corporations, other than a railway or a canal corporation, a State franchise, license, or other tax, based upon or measured by, its gross receipts, or gross earnings, or any part thereof, its real estate and tangible personal property shall be assessed by the State Corporation Commission, or other central State agency, in the manner prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added.

Section 170. Income, license and franchise taxes; paving and sewer taxes; abutting landowners.—The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose State franchise taxes, and in imposing a franchise tax, may make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed.

(1) Any city or town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, may provide for special taxes or assessments upon abutting landowners for the making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, and the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such landowners.

(2). General ordinances may also be enacted by cities and towns and counties having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, providing for special taxes or assessments against properties which are specially and peculiarly benefited by public local improvements other than

those mentioned in subsection one (1) foregoing, made by such cities, towns and counties.

But under subsection two (2) of this section no city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, shall exercise the authority so to assess such properties specially and peculiarly benefited until the provisions of a general ordinance authorizing the same shall be adopted by such city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, by a vote of a majority of the qualified voters thereof voting thereon at an election held for the purpose, nor shall such tax or assessment, other than that provided for in subsection one (1), be imposed, unless and until at least two-thirds in interest (as ascertained from assessed taxable values) of the owners of the properties so to be assessed shall, in writing, request such assessment.

The aggregate of taxes or assessments imposed under this section shall not exceed two-thirds of the total cost of such improvement.

No such taxes or assessments shall be imposed by a city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, except as authorized by this section.

Except in cities and towns, and counties having a population greater than five hundred inhabitants per square mile, as shown by the United States census, no such taxes or assessments for local public improvements shall be imposed upon any landowner.

Section 172. Assessment of coal and mineral lands. Coal and other mineral lands shall be assessed or reassessed for local taxation, in such manner and at such times as the General Assembly has heretofore prescribed, or may hereafter prescribe, by general laws.

Section 173. State, county, and municipal capitation taxes.—The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in such proportion as may be prescribed by law, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper authorities to such county or city purposes as they shall respectively determine. Such State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, to be applied to city, town or county purposes.

Section 174. Statute of limitations shall not run against State taxes; failure to assess not to defeat subsequent assessment and collection of taxes; exception as to bona fide purchaser for value.—

After this Constitution shall be in force, no statute of limitations shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a bona fide purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

Section 175. The natural oyster beds.—The natural oyster beds, rocks, and shoals, in the waters of this State shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

Section 176. Assessment and taxation of railroad and canal companies.—The State Corporation Commission shall annually ascertain and assess, in the manner prescribed by law, the value of the road-bed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the nontaxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the nontaxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and subject to such segregation of property if any, as is provided in section 171 of this Constitution, such property shall be taxed for State, county, city, town and district purposes in the manner prescribed by law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons.

Section 177. Franchise tax of railroad and canal companies.—Every such railway or canal corporation shall also pay an annual State franchise tax to be prescribed by law, upon the gross receipts hereinafter specified in section 178, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section 176, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, or upon its property assessed under section 176: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section 157 of this Constitution, or from assessments for street and other public local improvements authorized by section 170: and provided, further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

Section 178. Amount and ascertainment of such franchise tax.—The amount of such franchise tax shall be equal to such per centum of

the gross transportation receipts of such corporation for the year preceding the year for which the tax is levied, or the year for which the tax is levied, as may be prescribed by law, to be ascertained by the State Corporation Commission in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to the prescribed per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to be prescribed per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other States over similar facilities or advantages in this State.

Section 179. Reports of corporations to Corporation Commission.—Each corporation mentioned in sections 176 and 177 shall annually, at the time prescribed by law, make to the State Corporation Commission a report which shall show the property taxable in this State belonging to the corporation on the date that may be prescribed by law, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by law, assess the value of the property of the corporation not exempt from taxation, and ascertain the amount of the franchise tax and other State taxes chargeable against it.

All taxes for which the corporation is liable shall be paid as prescribed by law.

Such taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

Section 180. Application for relief from assessment for taxation; proceedings thereunder.—The Commonwealth, or any political subdivision thereof, or a corporation, aggrieved by the assessment and ascertainment made under sections 176 and 178 foregoing, may, according to such course of procedure as may be prescribed by law, apply for relief first to the State Corporation Commission and then to the circuit court of the city of Richmond.

If the court be of opinion that the assessment or tax is excessive, it shall reduce the same; but if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallows the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable.

If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of

taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by mandamus or other proper process issuing from the court finally adjudicating the application.

Subject to the provisions of Article VI of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

Section 181. Legislative power over system of corporate taxation.—Notwithstanding the provisions of sections 171 and 176 to 180, inclusive, the General Assembly shall have power to change the system of taxation as to the corporations therein mentioned, and provide how the same shall be administered by the State Corporation Commission, or other central State agency. If the said system of taxation shall for any reason become inoperative the General Assembly shall have power to prescribe some other system in lieu thereof, and to provide how it shall be administered.

Section 182. (Omitted.)

Section 183. Property exempt from taxation.—Unless otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(a) Property owned directly or indirectly by the United States, the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth issued since February 14, 1882, or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein and endowment funds lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private or public burying grounds or cemeteries and endowment funds, lawfully held, for their care, provided the same are not operated for profit.

(d) Property owned by public libraries, incorporated colleges or other incorporated institutions of learning not conducted for profit, together with the endowment funds thereof not invested in real estate. But this provision shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto. It shall not apply to industrial schools which sell their product to others than their own employees or students.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit, but exclusively as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional

adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property of the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, the Mount Vernon Ladies' Association of the Union, The Virginia Historical Society, the Thomas Jefferson Memorial Foundation, Incorporated, the posts of the American Legion and such other similar organizations or societies as may be prescribed by law.

Except as to class (a) above, general laws may be enacted restricting but not extending the above exemptions.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association, or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay a sum of money or other benefit, on account of death, sickness, or accident to any of its members or other person.

Whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall otherwise be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town. But the General Assembly may provide for the partial taxation of property not exclusively used for the purposes herein named.

Nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city, or town purposes, in violation of the rights of the lessees thereof, existing under any lawful contract heretofore made, any real estate owned by such county, city or town, as heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

Section 183-a. Officers' salaries not exempt from income tax.—The provisions of this Constitution forbidding the diminution of the salary or compensation of a judge or other officer during his term of office shall not be construed to exempt such salary or compensation from State income tax thereon.

Section 184. Authorization of certain debts.—The General Assembly may contract debts to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

Section 184-a. Authorization of certain liabilities if approved by popular vote; limitations as to amount.—No debt or liability, except the debts specified in section 184, shall be hereafter contracted by or in behalf of the State, unless such debt shall be authorized by law for some single purpose constituting new capital outlay, to be distinctly specified therein, and a vote of a majority of all the members elected to each house shall be necessary to the passage of such law. On the final passage of such law in either house of the General Assembly, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" No such law shall take effect until it shall have been submitted to the people at a general

election, and shall have received a majority of all the votes cast for or against it. Such law shall be published, as may be prescribed by law, for at least three months next preceding such election.

The aggregate amount of the debts authorized by this section shall not at any one time exceed one per centum of the assessed value of all the taxable real estate in the State, as shown by the last assessment preceding.

None of the provisions of this section shall apply to the debts specifically authorized by section 184 of this article.

Section 184-b. Issues of evidences of indebtedness by State prohibited with certain exceptions.—No scrip, certificate, or other evidence of indebtedness, shall be issued, except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Section 185. Lending of credit to, or subscription to stock of, corporations or persons by State, county, city or town prohibited; State shall become interested in no work of internal improvement except public roads. Exceptions as to counties, cities and towns.—Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence whatsoever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, and public parks, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city, or town from perfecting a subscription to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and freeholders of such county, city, or town in favor of such subscription: provided, that such vote was had prior to July 1, 1903.

Section 186. Collection and disposition of State revenue; payment of money from State treasury; what appropriations shall not be made.—All taxes, licenses and other revenue of the State shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city or town pay any debt or obligation created by such county, city or town in aid of said war.

Section 187. Sinking fund for State debt; every law creating a debt to provide for a sinking fund for its payment.—The General Assembly shall provide and maintain a sinking fund in accordance

with the provisions of section 10 of the act, approved February 20, 1892, entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the, partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February 14, 1882." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

Section 188. Limit of tax or revenue.—No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

Section 189. Authorization of exemption of manufactories from local taxation.—The General Assembly may by general law authorize the governing bodies of cities, towns and counties to exempt manufacturing establishments and works of internal improvement from local taxation for a period not exceeding five years, as an inducement to their location.

ARTICLE XIV

Miscellaneous Provisions, Homestead and Other Exemptions

Section 190. Homestead exemptions; when not to apply.—Every householder or head of a family shall be entitled, in addition to the articles not exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last-named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article.

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, 1866;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer of a court.

Section 191. In what property homestead exemptions cannot be claimed.—The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of

which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

Section 192. Manner and conditions on which homestead may be set apart to be prescribed by General Assembly.—The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any part of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Section 193. Homestead previously claimed not invalidated (liberally construed).—Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he is entitled under the former Constitution: provided, that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections 190 and 191. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter 274 of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Section 194. Stay laws prohibited; exceptions.—The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws;" but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

Section 195. Heirs of property; children of slaves.—The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized, or possessed, or in which he was entitled, as though they had been born in lawful wedlock.

Section 195-a. Terms of office of present incumbents.—All incumbents of offices shall serve the term for which they have been previously selected, subject to all the contingencies which affect officials of a similar class hereafter selected.

ARTICLE XV

Future Changes in the Constitution

Section 196. Amendments.—Any amendment or amendments to the Constitution may be proposed in the Senate or House of

Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session or any subsequent extra session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

Section 197. Constitutional convention; how called.—At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

ARTICLE XVI

Rules of Construction

Section 198. Rules of construction.—In this Constitution, the singular shall include the plural and the masculine the feminine.

In conferring a power or imposing a duty, "may" is permissive and "shall" is mandatory.

Omissions, having been often made for brevity or because the part omitted was superfluous, do not necessarily imply a change of policy.

These rules do not apply where a contrary intent plainly appears. was agreed to—ayes, 76; nays, 6.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Watkins, Weeks, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.

NAYS—Booker, Boschen, Gordon, Jordan, Pierce, Warren, L. E.—6.

MR. PRICE moved to reconsider the vote by which the joint resolution was agreed to, which motion was rejected.

On motion of MR. SMITH of *Alexandria*, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

FRIDAY, APRIL 1, 1927

Prayer by Rev. S. S. Spathey, Assistant Minister, St. Paul's Protestant Episcopal Church, Richmond, Virginia.

On motion of MR. KEEZELL, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

In Senate, March 31, 1927.

The Senate has passed House bill entitled an act to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170, and section 186 of the Constitution of Virginia, No. 1;

They have passed Senate bills entitled an act to authorize the board of visitors of the Virginia School for the Deaf and the Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school, No. 5; an act to authorize the town of Wakefield, in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00), and to issue the bonds of the town thereof, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town; providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue, No. 19; an act to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping, fishing and ranging upon the property of another, No. 24; an act to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax known as Motley's Corner to the corporate limits of South Boston, No. 25; an act authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the fourth judicial circuit, No. 26; an act to amend and re-enact sections 5, 7, 8, 9 and 13 of an act entitled, "An act to provide a new charter for the town of Galax situated in part in the county of Carroll and in

part in the county of Grayson and to repeal all other acts inconsistent with this act," being chapter 101 of the Acts of 1922, approved February 25, 1922, No. 27; an act making it a misdemeanor to drive an automobile or any other vehicle over or upon, or to injured or destroy any hose or equipment of a fire company and prescribing penalties therefor, in the counties of Arlington, Prince William and Fairfax, No. 29; an act giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William and Fairfax counties, No. 30; an act to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county, No. 31; an act permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand, and not more than one hundred and thirty-five thousand; authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured and sold, and defining the offenses and penalties for violation of the act, No. 38; in which they request the concurrence of the House of Delegates.

No. 5. Senate bill was referred to the Committee on Schools and Colleges.

Nos. 19, 24, 26, 27 and 31 Senate bills were referred to the Committee on Counties, Cities and Towns.

Nos. 29 and 30 Senate bills were referred to the Committee for Courts of Justice.

No. 38. Senate bills was referred to the Committee on Moral and Social Welfare.

No. 25. Senate bill was referred to the Committee on Roads and Internal Navigation.

The following Senate bills having been considered by the committee in session were reported from the Committee on Finance:

No. 18. Senate bill to amend the tax bill, as heretofore amended, by adding thereto, two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes.

No. 1. Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency (with amendments).

No. 4. Senate bill to authorize the Virginia State Penitentiary Board to cancel the indebtedness of the Mt. Pisgah Methodist Epis-

copal Church, of Midlothian, Virginia, to the Industrial Department of the Virginia State Penitentiary; having been considered by the committee in session was reported from the Committee on Appropriations.

No. 50. House bill to amend and re-enact an act entitled, "An act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foreman;" approved March 18, 1926; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

No. 51. House bill to amend and re-enact section 1 of an act entitled, "An act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923," approved March 24, 1926, in the counties of Accomac and Northampton; having been considered by the committee in session was reported from the Committee on the Chesapeake and its Tributaries.

No. 52. House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon; having been considered by the committee in session was reported from the Committee on Schools and Colleges.

The following house bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 53. House bill to authorize and permit the council of the town of Phoebus, to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Va.

No. 54. House bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds.

No. 55. House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke," approved March 22, 1924.

No. 56. House bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity; having been considered by the committee in session was reported from the Committee on Appropriations.

House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections of parts of said act in conflict with said sections as so amended and re-enacted; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

THE SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
WASHINGTON, D. C., *February 28, 1927.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
State Legislature,
Richmond, Virginia.

DEAR SIR:

I have the honor to transmit in accordance therewith copy of a Concurrent Resolution of the Congress of the United States inviting the co-operation of the executives and legislatures of the several States and Territories of the United States with the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington.

Very respectfully,

WM. TYLER PAGE,
Clerk of the House of Representatives, U. S.

Passed House February 22, 1927.

H. Con. Res. 57

Passed Senate February 23, 1927.

SIXTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA AT THE SECOND SESSION

Begun and held at the city of Washington on Monday, the sixth day of December, one thousand nine hundred and twenty-six.

CONCURRENT RESOLUTION

Whereas the joint resolution of Congress approved December 2, 1924, created the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, composed of nineteen commissioners, as follows:

The President of the United States; Presiding Officer of the Senate and the Speaker of the House of Representatives, ex-officio; eight persons appointed by the President of the United States; four senators and four representatives, whose duty it is to prepare a plan or plans and a program signaling the two hundredth anniversary of the birth of George Washington and to take such steps as may be necessary in the coordination and correlation of plans prepared by State Commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies: Therefore be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES (THE SENATE CONCURRING): That the Congress of the United States earnestly and respectfully invites the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the execution of the joint resolution of Congress creating the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington in such manner as may seem to them most fitting to the end that the bicentennial anniversary of the birth of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the pioneer, the soldier, the statesman, the husbandman, the exemplar of American citizenship, George Washington, may be commemorated in the year 1932 in such manner that future generations of American citizens may live according to the example and precepts of his exalted life and character and thus perpetuate the American Republic; and be it further

Resolved, That an engrossed copy of these resolutions be transmitted by the Clerk of the House of Representatives to the presiding officers of the Senate and House of Representatives of the legislature and to the chief executive of each State and Territory of the United States.

Attest:

WM. TYLER PAGE,
Clerk of the House of Representatives.

Attest:

EDWIN P. THAYER,
Secretary of the Senate

A message was received from the Senate, by MR. MILLS, who informed the House that the Senate had agreed to the following joint resolution:

Resolved by the Senate, the House of Delegates concurring, That permission be, and the same is hereby, given for the introduction and consideration of a bill entitled:

A bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the re-location of the improved channel of James river by the United States, extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point; in which they request the concurrence of the House.

A message was received from the Senate, by MR. LAYMAN, who informed the House that the Senate had agreed to the following joint resolution.

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby, given for the introduction and consideration of a bill entitled:

A bill to amend and re-enact section 3 of an act entitled an act to release all liens upon real estate for taxes and levies due and payable to the Commonwealth of any political subdivision thereof prior to

July 10, 1902; to provide that the right, title and interest of the Commonwealth in and to all real estate sold for taxes and levies assessed prior to July 10, 1902, which real estate has been purchased by the Commonwealth and not resold is released unto and vested by operation of law in the person or persons who owned the real estate at the time the Commonwealth so acquired title, or persons claiming, or to claim, by, through, or under them; and to provide that on and after July 1, 1926, no clerk shall make a tax deed conveying any real estate sold for delinquent taxes or levies assessed prior to July 10, 1902, approved March 20, 1924; in which they request the concurrence of the House.

A message was received from the Senate, by MR. LAYMAN, who informed the House that the Senate had agreed to the following joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby, given for the introduction and consideration of a bill entitled: A bill to amend and re-enact section 4786 of the Code of Virginia, in relation to the commencement of confinement in convictions for two or more offenses; in which they request the concurrence of the House.

A message was received from the Senate, by MR. DOWNING, who informed the House that the Senate had agreed to the following joint resolution:

Resolved by the Senate, the House of Delegates concurring, That permission be, and the same is hereby, given for the introduction and consideration of the following bills:

1. A bill to amend and re-enact section 3333 of the Code of Virginia, relating to clerk's fees for issuing licenses, monthly reports, et cetera; (subsection b) of the second paragraph of section 3356 of the Code of Virginia, relating to closed season on migratory birds, and the fourth paragraph of section 3356 of the Code of Virginia, relating to selling game, as heretofore amended.

2. A bill to amend and re-enact clause seventh of section 3356 of the Code of Virginia, relating to further protection of game.

3. A bill to amend and re-enact an act entitled, "An act to amend and re-enact an act entitled an act to prevent damage and injuries by dogs, and to provide compensation to owners of stock so injured; to provide for license on dogs and to provide for penalties for violations thereof; to provide compensation to owners of fowl so injured, and to provide funds for the enforcement of this act therefrom," approved March 20, 1918, as amended by an act approved March 22, 1920; as amended by an act approved March 14, 1924, and, as further amended by an act approved March 24, 1926.

4. A bill to amend and re-enact section 3210 of the Code of Virginia, relating to fines for violations of inland fish laws; section 3329 of the Code of Virginia, relating to State hunting licenses; section 3330 of the Code of Virginia, relating to nonresident licenses; and section 3332 of the Code of Virginia, relating to issuing licenses; in which they request the concurrence of the House.

A message was received from the Senate, by Mr. EARLY, who informed the House that the Senate had agreed to the following joint resolution:

Be it resolved by the Senate of Virginia, the House of Delegates concurring, that no person accused or convicted of a felony and confined in any institution in this State for the insane shall be permitted any liberty other than is given persons confined in the penitentiary, unless, by written resolution, the General Assembly board shall deem such liberty necessary to the proper medical treatment of such persons; and

Be it further resolved that a copy of this resolution be forwarded by the Clerk of the House of Delegates to the superintendent of the hospitals for the insane in this State; in which they request the concurrence of the House.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, *April 1, 1927.*

To the General Assembly of Virginia:

I regard it as my duty to transmit to you the attached letter signed by the members of the Virginia Supreme Court of Appeals.

I submit this to you for your consideration and for such action as you may deem proper to take.

Respectfull yours,

H. F. BYRD,
Governor of Virginia.

SUPREME COURT OF APPEALS,
RICHMOND, VA., *March 31, 1927.*

GOVERNOR HARRY F. BYRD,
Richmond, Virginia.

DEAR GOVERNOR:

After conference, the judges of the Supreme Court of Appeals of Virginia have reached the conclusion that the condition of the docket at Richmond is such that the public interest demands that they bring the situation to your attention, during the present special session of the General Assembly.

With the assistance of the late Special Court of Appeals, we were able to call the entire docket at the March term, 1926. When we adjourned this week we left one hundred cases on the Richmond docket. Add to these the cases in which appeals and writs of error will be allowed during the next seven months, and the docket for the November term will contain between one hundred and fifty and one hundred and seventy-five cases.

It will be impossible for the court to dispose of this docket at the November, January and March terms, next.

In addition to the open court work, we examined and passed upon the records and petitions for appeals and writs of error in over sixty cases during the January term and in over fifty cases during the March term 1927.

We submit the facts for your consideration, without suggestion as to the remedy, and leave it to you to determine what relief should be granted in the premises.

With great respect, we are

Sincerely yours,

R. R. PRENTIS,
M. P. BURKS,
JESSE F. WEST,
PRESTON W. CAMPBELL,
R. H. L. CHICHESTER.

The following were presented and referred under rule 37:

To the Committee on Finance:

By MR. MOFFETT: A bill to authorize the councils or other governing bodies of the cities of the Commonwealth whose charters provide for the appointment of a city collector, to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer.

To the Committee on Special, Private and Local Legislation:

By MESSRS. PRICE, JONES, *of Richmond*, BOSCHEN, FOLKES, GARY and FULLER: A bill to amend and re-enact section 5 of an act approved March 21, 1924, entitled, "An act to provide for the recordation of plats of subdivision of land located in or within five miles of cities of a population in excess of 150,000, according to the last United States census, for the vacation thereof, for the construction of public improvements therein and for the rights of such cities in connection therewith.

By MR. MOORE: A bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

By MESSRS. DAVIS and SPEERS: A bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of supervisors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity.

By MESSRS. DAVIS and SPEERS: A bill to amend and re-enact section 28 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924.

By MR. DOVELL: A bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time:

No. 18. Senate bill to amend the tax bill, as heretofore amended, by adding thereto, two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes.

No. 1. Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency.

No. 4. Senate bill to authorize the Virginia State Penitentiary Board to cancel the indebtedness of the Mt. Pisgah Methodist Episcopal Church, of Midlothian, Virginia, to the Industrial Department of the Virginia State Penitentiary.

The following House bills were read at length a first time and ordered to be printed.

No. 50. House bill to amend and re-enact an act entitled, "An act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foremen;" approved March 18, 1926.

No. 51. House bill to amend and re-enact section 1 of an act entitled, "An act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 24, 1926, in the counties of Accomac and Northampton.

No. 52. House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon.

No. 53. House bill to authorize and permit the council of the town of Phoebus, to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Va.

No. 54. House bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds.

No. 55. House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke," approved March 22, 1924.

No. 56. House bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents on bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity.

MR. BREWER offered the following resolution:

Resolved that the House proceed at once to the consideration of No. 1 Senate bill which shall be a special and continuing order until the same shall have been disposed of, which was agreed to.

No. 1. Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of act inconsistent with this act to the extent of such inconsistency—special order—came up.

MR. BREWER moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 74; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Savedge, Shrader, Sinclair, Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, W. A., Young, Mr. Speaker—74.

NAYS—0.

The amendments proposed by the Committee on Finance were agreed to.

MR. GORDON moved to amend section 6 by striking out after the words: "Art commission" the following: "State Port Authority of Virginia" which was rejected—ayes, 23; nays, 53.

On motion of MR. GORDON, the vote was recorded as follows:

AYES—Allman, Booker, Boschen, Boyd, E. T., Carter, Davis, Gordon, Graves, Hall, Hicks, Horner, Jones, C. A., Parker, W. A., Pierce, Saunders, Sebrell, Smith, H. T., Smith, J. S., Speers, Stickley, Taylor, Williams, Young—23.

NAYS—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boyd, I. C., Breneman, Brewer, Brown, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Hailey, Hamner, Harman, Jesse, Johnson, Jones, E. B., Jordan, Kelly, Lyon, Malbon, Milstead, Moffett, Moore, Nickles, Norris, Page, Rew, Savedge, Shepherd, Sinclair, Snead, Topping, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Wesson, Wright, W. A., Mr. Speaker—53.

MR. PAGE moved to reconsider the vote by which the amendment was rejected, which was rejected.

MR. GORDON moved to amend section 8 as follows: After the words "The State Tax Commissioner shall be the chief executive officer of the Department of Taxation," strike out the following: "He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when such appointment is made, and if not in session, then at its next succeeding session," and insert "He shall be elected by the General Assembly in joint session," which was rejected.

MR. HALL moved to amend section 10 as follows: After the word "controllers" and before the words "shall receive" insert a comma and insert the words "who shall be elected by the people" which was rejected—ayes, 26; nays, 51.

On motion of MR. HALL, the vote was recorded as follows:

AYES—Allman, Bear, Boschen, Bowles, Boyd, E. T., Davis, Folkes, Fuller, Graves, Hall, Hicks, Horner, Jones, C. A., Jordan, Malbon, Norris, Pierce, Rew, Shrader, Sinclair, Smith, C. H., Smith, H. T., Taylor, Topping, Warren, C. R., Young—26.

NAYS—Adams, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Gary, George, Graham, Hamner, Hanes, Harman, Jeffreys, Jesse, Johnson, Jones, E. B., Keezell, Kelly, Lyon, Mason, Massenburg, Milstead, Moore, Nickles, Page, Parker, W. A., Ramey, Saunders, Savedge, Shepherd, Snead, Stickley, Waller, Warren, L. E., Weeks, Wesson, Wright, J. W., Mr. Speaker—51.

MR. FOLKES moved to amend section 12 by adding at the end of section 12 the following: "The Director of the Division of Motor Vehicles shall deliver his tags for automobiles to treasurers in counties and cities, whose duties it shall be to collect the money for the license tags and cover the same into the treasury of the same. The local treasurers shall be allowed the same fee as he was allowed the last collection of said license tax," which was rejected.

MR. PRICE moved to amend section 13 by striking out after the words "in any manner handling State funds;" the following: "And in the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office," which was rejected.

MR. MASSENBURG moved to amend section 15 by striking out all of the language in subsection (c) of section 15 entitled schools for the deaf and blind, which was agreed to.

MR. FOLKES moved to amend section 16 by adding at the end of this section the following: "That an act entitled an act to amend and re-enact an act entitled an act to regulate the business of making small loans, by requiring persons charging directly or indirectly a greater rate of compensation than the conventional legal interest rate per annum on loans not exceeding three hundred dollars (\$300.00) to any person, to obtain a license; by prescribing the maximum amount of compensation which licenses may charge; by regulating assignments to licensees of salaries or wages earned, or to be earned; by prohibiting false or deceptive advertising concerning such loans; fixing penalties

for violations of certain provisions of this act; by prescribing certain duties of the chief examiner of the banking division of the State Corporation Commission in respect to licenses; repealing section 81 the revenue act and all other acts, or parts of acts, inconsistent with the provisions of this act, approved March 23, 1918, sections 14, 16, 17 and 18 of which said act were amended and re-enacted by an act approved March 9, 1920, approved March 20, 1922, be repealed, which was rejected—ayes, 27; nays, 40.

On motion of MR. FOLKES the vote was recorded as follows:

AYES—Bird, George T., Booker, Boschen, Bowles, Carter, Folkes, Gordon, Hall, Hanes, Jordan, Moffett, Page, Parker, W. A., Pierce, Saunders, Sebrell, Shepherd, Shrader, Smith, H. T., Smith, J. S., Taylor, Warren, C. R., Warren, L. E., Witten, Wood, Wright, W. A., Young—27.

NAYS—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Brewer, Brown, Cato, Cole, Coleman, Doosing, Dovell, Fain, Fuller, Gary, George, Graves, Harman, Hicks, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Lyon, Mason, Moore, Norris, Ramey, Rew, Rodgers, Savedge, Topping, Waller, Warren, Geo. M., Weeks, Wesson, Wright, J. W., Mr. Speaker—40.

MR. PRICE moved to amend section 16 subsection (b) as follows: After the words "and shall hold his office at the pleasure of the commission" insert the following: "Neither he nor any of his deputies shall be interested, either directly or indirectly, in any insurance company, association or fraternal organization, or in any bank, trust or other like company doing business in this State and which is by law made subject to the supervision of said Commissioner of Insurance and Banking," which was agreed to.

MR. TOPPING moved severally to amend section 16 by striking out the word "commissioner" in line 10 after the word "The" and before words "of insurance and banking" and insert in lieu thereof the word "Bureau." Also insert between the words "and" and "shall" on line the words "the Commissioner of Insurance and Banking." Also insert before the word "commission" in line 13 the word "corporation," which was agreed to.

MR. MOFFETT moved to amend section 22, subsection (b) as follows: Section 22, subsection (b), line 18, after the word "Governor" strike out the remainder of that line and lines 19, 20 and the words "Reference Bureau" in line 21, and insert in lieu thereof the following: "The Assistant Attorney General so designated shall sit in the present office of the Legislative Reference Bureau during all sessions of the legislature and for a period of at least thirty days before and after such session, and shall give personal attention to the work now performed by the Director of the Legislative Reference Bureau, The Division of Legislative Drafting shall perform all the duties not imposed by law upon the Legislative Reference Bureau," which was agreed to.

MR. JESSE moved to amend section 22 by striking out of said section all of subsection—"Division of Motion Picture Censorship," which was rejected—ayes, 6; nays, 69.

On motion of MR. JESSE, the vote was recorded as follows:

AYES—Carter, Gordon, Hall, Jesse, Smith, C. H., Smith, J. S.—6.

NAYS—Adams, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Johnson, Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moore, Nickles, Norris, Page, Parker, W. A., Price, Rew, Rodgers, Savedge, Shepherd, Sinclair, Smith, H. T., Snead, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

MR. MASSENBURG moved to amend section 24 as follows: After the words "(a) of section fifteen, in relation to Department of Education" strike out "subsection (c) of section fifteen in relation to the schools for the deaf and blind" which was agreed to.

MR. NORRIS moved to amend section 21, subsection (b), line 18 after "(b)" by striking out lines 18 and 19 on page 35, and lines 20-42, both inclusive, on page 36, and lines 43-51, both inclusive, on page 37, and insert in lieu thereof the following:

Virginia Industrial School Board.—The boards of directors of the Virginia Home and Industrial School for Girls, the Virginia Industrial School for Boys, The Virginia Manual Labor School for Colored Boys and the Virginia Industrial School for Colored Girls are hereby abolished. The said institutions shall be hereafter governed, managed, and controlled by a board of directors composed of nine members, appointed by the Governor, subject to confirmation by the General Assembly, which board shall be known as the Virginia Industrial School Board, and which board is hereby vested with all the powers and charged with all the duties and obligations heretofore vested in, or conferred or imposed upon, the four boards abolished by this paragraph of this act, respectively. The term of the members of the Virginia Industrial School Board shall be four years; provided, that at the first appointment, five of the members shall be appointed for a term to expire February first, nineteen hundred and thirty, and three of the members shall be appointed for a term to expire February first, nineteen hundred and thirty-two. The Commissioner of Public Welfare shall be ex-officio a member of the Virginia Industrial School Board but shall have no vote, which was rejected.

The amendments were ordered to be engrossed and being presently engrossed, the question being on the passage of the bill, was put and decided in the affirmative—ayes, 86; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Tuck, Vellines, Waller, Warren, C. R., Warren L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—86.

NAYS—0.

MR. BREWER moved to reconsider the vote by which the bill was passed, which motion was rejected.

MR. DOVELL moved that the chair be now vacated and to be resumed at 3:30 o'clock P. M., which was agreed to, whereupon the chair was vacated.

FRIDAY, APRIL 1, 1927—AFTERNOON SESSION

The hour of 3:30 o'clock P. M. having arrived, the chair was resumed.

The following Senate bills were read at length a third time and passed.

No. 7. Senate bill authorizing the boards of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriation for the expenses of the judge of the thirty-fourth judicial circuit—ayes, 59; nays, 3.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hicks, Johnson, Jones, C. A., Malbon, Milstead, Moffett, Mugler, Nickles, Norris, Page, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Speers, Topping, Vellines, Waller, Warren, C. R., Watkins, Watts, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—59.

NAYS—Bird, George T., Gordon, Parker, W. A.—3.

No. 10. Senate bill to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue and the ocean in said town, to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in the sum not exceeding \$250,000.00 for the construction of said walkway, and/or bulkhead; and to declare an emergency necessitating said construction—ayes, 69; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Carter, Cato, Cole, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hanes, Hicks, Horner, Johnson, Jones, C. A., Kelly, Lyon, Malbon, Milstead, Moffett, Mugler, Nickles, Norris, Page, Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Vellines, Waller, Warren, C. R., Watkins, Watts, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—Gordon—1.

No. 12. Senate bill to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors—ayes, 74; nays, 0.

The vote required by the Constitution was recorded as follows:

ASES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller,

Gary, George, Graham, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Milstead, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Topping, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—74.

NAYS—0.

No. 14. Senate bill to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors—ayes, 70; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Malbon, Milstead, Moffett, Nickles, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Snead, Speers, Topping, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—70.

NAYS—0.

No. 9. Senate bill to repeal all special road laws now in force in the county of Rockingham, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways, came up.

The amendment proposed by the Committee on Roads and Internal Navigation was agreed to.

The amendment was ordered to be engrossed, and being presently engrossed, the bill was read at length a third time and passed—ayes, 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Milstead, Nickles, Norris, Page, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Topping, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 13. Senate bill to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires or in going to or returning therefrom, in Arlington, Fairfax and Prince William counties and the city of Alexandria, came up.

On motion severally made by MESSRS. SINCLAIR, HANES and JESSE, the bill and its title were severally amended.

The amendments were ordered to be engrossed, and being presently engrossed, the bill was read at length a third time and passed—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Hall, Hamner, Hanes, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Keezell, Kelly, Lyon, Milstead, Mugler, Nickles, Norris, Page, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 7, 10, 12, 13, 14 and 9 Senate bills were passed, were rejected.

The following Senate bills were read at length a second time:

No. 15. Senate bill to amend and re-enact section 4066 of the Code of Virginia, as heretofore amended, in relation to public utility companies; and to repeal sections 4064 and 4065 of the Code of Virginia and section 1 of an act entitled an act imposing public duties on heat, light, power, water and telephone companies, and providing for the control and regulation of such companies by the State Corporation Commission, approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924, and March 29, 1926.

No. 23. Senate bill to amend and re-enact section 1 of an act entitled an act for the protection of fish in certain streams in Alleghany and Craig counties, approved February 26, 1926.

The following house bills having been printed, were read at length a second time and ordered to be engrossed.

No. 31. House bill to amend and re-enact section two (2) of an act entitled an act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of the act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities, which adopt the provisions of this act, approved March 14, 1918.

No. 32. House bill to permit angling, with hook and line, in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year.

No. 33. House bill making it unlawful for any person to permit dogs to run at large in Orange and Madison counties during the months of May, June and July of each year (amended and title amended).

No. 34. House bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature (amended).

No. 35. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature (amended).

No. 36. House bill to amend and re-enact an act entitled an act for the protection of fish in the waters of Tazewell county, approved February 27, 1926.

No. 37. House bill to amend and re-enact sections 2, 10 and 12 of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which is heretofore amended.

No. 38. House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 5, 1900, as amended in section 9 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923.

No. 39. House bill to authorize the town of Chincoteague in the county of Accomac to cross and maintain across certain lowlands, marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 40. House bill to amend and re-enact sections 5 and 6 of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912 (amended).

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry this act into effect.

No. 42. House bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled an act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county, approved February 9, 1916; and further to repeal an act entitled an act requiring each local road board in the county of Surry to publish annually detailed

statement showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure, approved March 24, 1926.

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia.

No. 48. House bill to amend and re-enact an act entitled an act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa, approved March 24, 1926.

No. 44. House bill to amend and re-enact sections 3, 4 and 7 of an act entitled an act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties, approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by acts approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicle fuels and to prescribe penalties, having been printed was read at length a second time.

MR. HALL moved severally to amend the bill as follows:

Page 3, section 4, subsection (b), line 15½, after the word "three" strike out the words "and one-third."

Page 3, section 4, subsection (b), line 19, after the word "two" strike out the words "and one-third."

Page 3, section 4, subsection (b), line 20, after the word "three" strike out the words "and one-third."

Page 3, section 4, subsection (b), line 22, after the word "three" strike out the words "and one-third."

Page 3, section 4, subsection (c), line 27, after the word "from" strike out the words "one and" and after the word "two" strike out the word "third" which motions were severally rejected.

The bill was ordered to be engrossed.

MR. SINCLAIR moved to reconsider the vote by which the bill was ordered to be engrossed.

MR. GORDON moved to pass by the motion to reconsider, which was rejected.

The motion to reconsider was rejected.

MR. BROWN moved that when the House adjourn today, it adjourn to meet at 12 M o'clock, Monday, April 4, 1927, which was agreed to.

On motion of MR. BROWN, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

MONDAY, APRIL 4, 1927

Prayer by Rev. J. T. Mastin, D. D., of the Trinity Methodist Episcopal Church, South, Richmond, Virginia.

On motion of MR. COLEMAN, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate, by their Clerk, was read as follows:

In Senate, April 1, 1927.

The Senate has passed House bills entitled an act to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors, No. 3; an act to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening new roads and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended, No. 4; an act to amend and re-enact section 7 of an act entitled an act to create a State Highway Commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919; and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924, No. 5; an act to amend the Code of Virginia by adding thereto a new section, to be numbered section 1771-a, which new section relates to the sale of land for delinquent drainage assessments; to redemption of and deeds for lands so sold,

No. 6; an act to amend an act entitled an act to incorporate the town of Graham, in the county of Tazewell, approved January 28, 1884, as amended by an act approved March 10, 1910, (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924), by adding thereto a new section to be numbered section 11, No. 7; an act to amend an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers, No. 8; an act to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia, and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia on February 28, 1920, No. 10; an act to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled, "An act to provide a charter for the town of Lexington," by adding a new section thereto, to be known as section 21-a, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year, No. 11; an act to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge, No. 12; an act to authorize the council of the town of Vinton, in Roanoke county, to levy a tax for the purpose of providing funds for the purchase of a high school site in said town, No. 14; an act to authorize the county school board of Elizabeth City county to borrow the sum of \$80,000.00 for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds, No. 15; an act to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand dollars, for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency, No. 17; and an act to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof and to repeal chapter 447 of the Acts of 1926, No. 18; they have passed with amendments house bills entitled an act authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river, the acquisition of the same by the State Highway Commission, and the control and regulation of the State

Corporation Commission, No. 2; an act to authorize the military board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand dollars (\$12,000.00) in addition thereto, upon such conditions as the State military board may deem advisable; to authorize the military board to use the said sum of twelve thousand dollars (\$12,000.00) for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board heretofore taken in connection with the exchange herein authorized, and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926, No. 13; and an act to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor, No. 22. They have passed Senate bills entitled an act to amend and re-enact an act of the General Assembly approved March 26, 1926, entitled, "An act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto," No. 16; an act to provide for the incorporation of that territory now composing the subdivision of the Commonwealth of Virginia known and designated as Arlington county as a body politic and corporate to be known and designated as the city of Arlington. To provide a city government therefor, and to provide the manner in which towns and parts of towns in said territory may become part of said city, No. 32; an act to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended, No. 33; an act to authorize the town of Chinco-teague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines, No. 34; an act authorizing the board of supervisors of the county of Tazewell to make appropriations for the expenses of the judge of the twenty second judicial circuit, No. 35; an act to authorize a school census in Martinsville district, Reed Creek district and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five, No. 36; an act providing

for the exercise of the police powers of cities of the first class by counties having a population of more than 500 per square mile—over public service corporations using the streets, roads, alleys and other public places in such counties, No. 37; an act to amend an act approved March 22, 1924, entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this act so far as they relate to the city of Roanoke," by adding thereto section No. 72, No. 39; an act to amend and re-enact an act entitled, "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926, No. 40; an act to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency, No. 41; an act to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and collection of a tax for the payment of the interest thereon and the principal thereof at maturity, No. 42; and an act to amend and re-enact an act entitled, "An act to amend and re-enact section 1 of an act approved March 20, 1920, entitled an act in relation to local school taxes; and repealing sections 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926, No. 43; in which they request the concurrence of the House of Delegates.

Nos. 2, 13 and 22 House bills were, on motions severally made, placed on the calendar.

Nos. 16, 32, 33, 34, 35, 37, 39, 40 and 42 Senate bills were referred to the Committee on Counties, Cities and Towns.

Nos. 36, 41 and 43 Senate bills were referred to the Committee on Schools and Colleges.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 31. Senate bill to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor, for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county.

No. 19. Senate bill to authorize the town of Wakefield, in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00), and to issue the bonds of the town therefor, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town; providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue.

No. 26. Senate bill authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the fourth judicial circuit.

No. 24. Senate bill to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping, fishing and ranging upon the property of another.

No. 38. Senate bill permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand, and not more than one hundred and thirty-five thousand; authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured and sold, and defining the offenses and penalties for violation of the act; having been considered by the committee in session was reported from the Committee on Moral and Social Welfare.

No. 57. House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted; having been considered by the committee in session was reported from the Committee on Counties, Cities and Towns.

No. 58. House bill to authorize the councils or other governing bodies of the cities of the Commonwealth whose charters provide for the appointment of a city collector, to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer; having been considered by the committee in session was reported from the Committee on Finance.

House bill to amend and re-enact section 5 of an act approved March 21, 1924, entitled, "An act to provide for the recordation of plats of subdivision of land located in or within five miles of cities of a population in excess of 150,000, according to the last United States census, for the vacation thereof, for the construction of public improvements therein and for the rights of such cities in connection therewith; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it; having been considered by the Joint

Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of supervisors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Schools and Colleges.

House bill to amend and re-enact section 28 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

MR. WALLER offered the following joint resolution:

Whereas, His Excellency, Harry Flood Byrd, Governor of Virginia, has received acceptance of his invitation to the Association of British Chambers of Commerce, the Federation of British Industries, the Chamber of Shipping of the United Kingdom and the Association of Chambers of Commerce of the Irish Free State, jointly to assemble an all-British party representative of the business and civic interests of Great Britain and the Irish Free State to visit Virginia in May, 1927; and

Whereas, the Virginia State Chamber of Commerce, on behalf of the business and civic interests of Virginia, has arranged for the reception and entertainment of the all-British party in Virginia and the adjacent and interior States of the United States included in the Hampton Roads port trade territory during May and June, 1927, in the interest of the development of Hampton Roads as a world port; and

Whereas, the visit of the all-British party in the United States during May and June, 1927, will be made with the approval of the British and Irish Free State governments, and has been initiated by the Virginia State Chamber of Commerce not only for the development of a two-way clearance of tonnage through the Virginia ports on Hampton Roads between Virginia and the other Southeastern States and the Middle Western States of the United States and Great Britain, the Irish Free State and the overseas British countries, but also for the purpose of re-establishing closer social and business relations between the Mother Country and the Old Dominion, and for the development of both British and American foreign trade as well as for strengthening British-American friendship; now, therefore be it

Resolved, by the House of Delegates, the Senate concurring, that the General Assembly of Virginia extends a cordial welcome to the members of the all-British party who will visit Virginia in May, 1927, and expresses appreciation of the co-operation and assistance rendered by the Association of British Chambers of Commerce, the Federation of British Industries, the Chamber of Shipping of the United Kingdom, and the Association of Chambers of Commerce of the Irish Free State in making possible this all-British visit in the United States; and, be it further

Resolved, that the General Assembly of Virginia extends a cordial invitation to Sir Thomas Johnston Lipton, Bart., of London, sometime a resident of the Commonwealth of Virginia, to visit the Old Dominion as a member of the all-British party in May, 1927; and, be it further

Resolved, that the General Assembly of Virginia approves the purposes for which the all-British visit has been undertaken and expresses the hope that out of it may develop a closer, more understanding and permanent British-American friendship and union; and, be it further

Resolved, that copies of these resolutions, suitably prepared and properly executed, be presented to His Excellency, Harry Flood Byrd, Governor of Virginia; to Sir Thomas Johnston Lipton, Bart.; to the Association of British Chambers of Commerce; to the Federation of British Industries; to the Chamber of Shipping of the United Kingdom; to the Association of Chambers of Commerce of the Irish Free State, and to the Virginia State Chamber of Commerce, which was agreed to.

Ordered that MR. WALLER carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. LESNER, who informed the House that the Senate had agreed to the joint resolution.

MR. DOVELL offered the following joint resolution:

Be it resolved, by the House of Delegates, with the Senate concurring:

1. That the joint resolution of the General Assembly of Virginia, passed on the 23rd day of March, 1927, was intended to express the wish of the General Assembly that the Governor be vested with discretionary power to investigate as soon as possible, conditions of danger alleged to exist at the Yorktown Navy Mine Depot and at Pig Point; and after such investigation made or caused to be made by the Governor, to take up with the proper authorities of the Federal government the remedying of any situation requiring it, and to take such other steps, if any, as in his judgment may be necessary for the safeguarding of the interests of the Commonwealth.

Ordered that MR. DOVELL carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT, who informed the House that the Senate had agreed to the joint resolution.

The following were presented and referred under rule 37:

To the Committee on Finance:

By MR. KEEZELL: A bill concerning bonds, notes, or other interest-bearing obligations issued by any county, or by or on behalf of any district of any county, or by or on behalf of any school board of any county, or by or on behalf of any school district in any county.

To the Committee on Schools and Colleges:

By MR. SMITH, *of Alexandria*, A bill to amend and re-enact section 777 of the Code of Virginia, in relation to city school boards.

To the Committee on Roads and Internal Navigation:

By MRS. FAIN and MR. PAGE: A bill to amend and re-enact section 29, of chapter 149 of the Acts of 1926, entitled, "An act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to

provide penalties; and to repeal all acts and parts of acts in conflict herewith," approved March 17, 1926.

To the Committee on Special, Private and Local Legislation:

By MR. WATKINS: A bill to amend and re-enact section 1 of chapter 7 of an act entitled, "An act to incorporate the city of Danville," approved February 17, 1890, as heretofore amended.

By MESSRS. TUCK and ADAMS: A bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

By MR. GORDON: A bill to amend and re-enact sections 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time:

No. 31. Senate bill to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor, for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county.

No. 19. Senate bill to authorize the town of Wakefield, in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00) and to issue the bonds of the town therefor, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town; providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue.

No. 26. Senate bill authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the fourth judicial circuit.

No. 24. Senate bill to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping, fishing and ranging upon the property of another.

No. 38. Senate bill permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand, and not more than one hundred and thirty-five thousand; authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured

and sold, and defining the offenses and penalties for violation of the act.

The following House bills were read at length a first time and ordered to be printed.

No. 57. House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 58. House bill to authorize the councils or other governing bodies of the cities of the Commonwealth whose charters provide for the appointment of a city collector, to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer.

The amendments proposed by the Senate to the following House bills were agreed to.

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river, the acquisition of the same by the State Highway Commission, and the control and regulation by the State Corporation Commission—ayes, 86; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—86.

NAYS—0.

No. 13. House bill to authorize the military board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand dollars (\$12,000.00) in addition thereto, upon such conditions as the State military board may deem advisable; to authorize the military board to use the said sum of twelve thousand dollars (\$12,000.00) for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board

heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Mugler, Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Young, Mr. Speaker—73.

NAYS—0.

Motions severally made to reconsider the vote by which the amendments proposed by the Senate to Nos. 2 and 13 House bills were concurred in, were rejected.

No. 23. Senate bill to amend and re-enact section 1 of an act entitled an act for the protection of fish in certain streams in Alleghany and Craig counties, approved February 26, 1926, was read at length a third time and passed—ayes, 78; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Horner, Jeffreys, Johnson, Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moore, Mugler, Pierce, Price, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

No. 15. Senate bill to amend and re-enact section 4066 of the Code of Virginia, as heretofore amended, in relation to public utility companies; and to repeal sections 4064 and 4065 of the Code of Virginia and section 1 of an act entitled an act imposing public duties on heat, light, power, water and telephone companies, and providing for the control and regulation of such companies by the State Corporation Commission, approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924, and March 29, 1926, came up.

MR. FOLKES moved to amend as follows: "On page 5, line 84, after the word "nineteen" add new sentence as follows: "But no further increase of rates, tolls or charges shall be allowed to public service corporations who do a local business in the counties, cities and towns of the Commonwealth without the consent of the boards of supervisors of said counties, and councils or governing bodies of said towns and cities. All regulations heretofore had by towns, county and city government in Virginia before the Acts of 1914 and 1918 effecting heat, light, power and other public utility corporations are

restored to them. The object of this grant of power to local governments by the General Assembly is to give said local governments the rights they had before the passage of the above acts. The further right of contracting with public service corporations who desire new franchises and rights is permitted local governments," which was rejected—ayes, 14; nays, 62.

On motion of Mr. FOLKES, the vote was recorded as follows:

AYES—Bird, W. W., Boschen, Folkes, Fuller, Hicks, Jones, J. P., Parker, W. A., Pierce, Price, Rodgers, Shepherd, Shrader, Stickley, Warren, L. E.—14.

NAYS—Adams, Barton, Bear, Bird, George T., Bolling, Bolton, Booker, Bowles, Breneman, Brewer, Brown, Bruce, Carter, Cato, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Norris, Ramey, Saunders, Savedge, Sebrell, Sinclair, Smith, C. H., Smith, H. T., Snead, Topping, Tuck, Warren, C. R., Watkins, Watts, Wesson, Williams, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—62.

The bill was read at length a third time and passed—ayes, 79; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, J. P., Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, L. E., Watkins, Watts, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—Folkes, Pierce—2.

Motions severally made to reconsider the vote by which Nos. 23 and 15 Senate bills were passed were rejected.

The following House bills were read at length a third time and passed.

No. 31. House bill to amend and re-enact section two (2) of an act entitled an act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities, which adopt the provisions of this act, approved March 14, 1918—ayes, 82; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gray, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Milstead, Moore, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, C. H., Smith, H. T., Snead, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—0.

No. 32. House bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year—ayes, 84; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Johnson, Jones, C. A., Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, W. A., Young, Mr. Speaker—84.

NAYS—0.

No. 34. House bill to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature—ayes, 76; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Mugler, Norris, Page, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Young, Mr. Speaker—76.

NAYS—0.

No. 35. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature—ayes, 72; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Kelly, Lyon, Malbon, Milstead, Moffett, Moore, Mugler, Page, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—72.

NAYS—0.

No. 36. House bill to amend and re-enact an act entitled an act for the protection of fish in the waters of Tazewell county, approved February 27, 1926—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Page, Parker, W. A., Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 37. House bill to amend and re-enact sections 2, 10 and 12 of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which is heretofore amended—ayes, 77; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Kelly, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Vellines, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—77.

NAYS—Sinclair—1.

No. 38. House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 5, 1900, as amended in section 9 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Kelly, Malbon, Mason, Massenburg, Moore, Mugler, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Taylor, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—77.

NAYS—0.

No. 40. House bill to amend and re-enact sections 5 and 6 of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section 6 of which was amended by an act approved March 14, 1912—ayes, 69; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, J. P., Jordan, Kelly, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Parker, W. A., Price, Ramey, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Taylor, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry this act into effect—ayes, 67; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Page, Parker, W. A., Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Taylor, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, W. A., Young, Mr. Speaker—67.

NAYS—0.

No. 42. House bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jones, C. A., Jones, J. P., Jordan, Kelly, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Page, Parker, W. A.,

Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Taylor, Tuck, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

NAYS—0.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled an act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county, approved February 9, 1916; and further to repeal an act entitled an act requiring each local road board in the county of Surry to publish annually detailed statement showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure, approved March 24, 1926—ayes, 72; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hanes, Harman, Hicks, Jeffreys, Jesse, Jones, C. A., Jones, J. P., Jordan, Kelly, Malbon, Mason, Milstead, Moore, Mugler, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, J. S., Snead, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—72.

NAYS—0.

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia—ayes, 69; nays, 2.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Brown, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Page, Parker, W. A., Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, C. H., Smith, J. S., Snead, Taylor, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Wesson, Williams, Wood, Young, Mr. Speaker—69.

NAYS—Weeks, Wright, J. W.—2.

No. 48. House bill to amend and re-enact an act entitled an act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa, approved March 24, 1926—ayes, 73; nays, 2.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd,

Shrader, Smith, C. H., Smith, J. S., Snead, Stickley, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, J. W., Young, Mr. Speaker—73.

NAYS—Bear, Bowles—2.

No. 33. House bill making it unlawful for any person to permit dogs to run at large in Orange, Madison, Caroline, King George and Spotsylvania counties during the months of May, June and July of each year, came up.

MR. RAMEY moved to reconsider the vote by which the bill was ordered to be engrossed, which was agreed to.

On motion severally made by MESSRS. RAMEY, MASON and GORDON, the bill and the title to the bill were severally amended.

The bill was ordered to be engrossed, and being presently engrossed, was read at length a third time and passed—ayes, 84; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—84.

NAYS—Page, Warren, C. R.—2.

Motions severally made to reconsider the vote by which Nos. 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 47 and 48 House bills were passed were rejected.

No. 39. House bill to authorize the town of Chincoteague in the county of Accomac to cross and maintain across certain lowlands, marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines, was on the motion of MR. REW dismissed.

The following Senate bills were read at length a second time:

No. 18. Senate bill to amend the tax bill, as heretofore amended, by adding thereto two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes.

No. 4. Senate bill to authorize the Virginia State Penitentiary Board to cancel the indebtedness of the Mt. Pisgah Methodist Episcopal Church, of Midlothian, Virginia, to the Industrial Department of the Virginia State Penitentiary.

MR. SMITH, of *Alexandria*, moved that the chair be vacated at 2 o'clock P. M., to be resumed at 3:30 o'clock P. M., which was agreed to.

The hour of 2 o'clock having arrived, the chair was vacated until 3:30 P. M.

MONDAY, APRIL 4—AFTERNOON SESSION

The hour of 3:30 o'clock having arrived, the chair was resumed.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 49. House bill to amend and re-enact an act entitled an act requiring all oysters from the public rocks of the Commonwealth to be inspected when leading on vessels; measurements, tax, penalties, approved March 24, 1926.

No. 51. House bill to amend and re-enact section one (1) of an act entitled an act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923, approved March 24, 1926, in the counties of Accomac and Northampton.

No. 52. House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon.

No. 53. House bill to authorize and permit the council of the town of Phoebus, to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth city county, Virginia.

No. 50. House bill to amend and re-enact an act entitled an act to amend and re-enact section 1 of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation, in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foremen; approved March 18, 1926 (amended).

No. 54. House bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes, and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds.

No. 55. House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act, so far as they relate to the city of Roanoke, approved March 22, 1924.

No. 56. House bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of

Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity.

MR. PAGE offered the following resolution:

Resolved that the House proceed to the consideration of the introduction of bills and that proponents and opponents be allowed each two minutes, which was agreed to.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate (the House of Delegates concurring), That permission be, and is hereby given for the introduction and consideration of the following bills:

A bill to amend and re-enact section twenty-seven (27) and section twenty-eight (28) of an act entitled, "An act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, commonly designated as the "tax bill," as heretofore amended.

A bill to empower the State Corporation Commission to make review and correction of its assessments of the value of the property of any transportation company, transmission company, or other public service corporation, and of its assessments of any tax upon such companies or their property.

A bill to amend and re-enact an act entitled, "An act to authorize the councils of cities and towns to provide, by ordinance, for the collection of city or town taxes or levies on property in equal semi-annual installments," approved March 24, 1926, which was rejected—ayes, 69; nays, 14.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bird, George T., Bird, W. W., Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Malbon, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Price, Ramey, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, C. H., Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—Bear, Bolton, Carter, Cato, Hall, Hanes, Jeffreys, Kelly, Lyon, Pierce, Shepherd, Smith, J. S., Stickley, Warren, C. R.—14.

MR. LYON moved to reconsider the vote by which the House refused to permit the introduction of the bills, which was agreed to.

The question being shall the House permit the introduction of the bills was put and decided in the affirmative—ayes, 72; nays, 10.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brewer, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Price, Ramey, Saunders, Savedge, Sebrell, Shrader, Sinclair, Snead, Taylor,

Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—72.

YAYS—Boyd, E. T., Carter, Hall, Jeffreys, Kelly, Pierce, Shepherd, Smith C. H., Smith, J. S., Stickley—10.

THE SPEAKER laid before the House the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, that permission be, and the same is hereby given for the introduction and a consideration of a bill entitled, "A bill to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed, which was rejected—ayes, 67; nays 16.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Price, Saunders, Sebrell, Shrader, Sinclair, Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Young, Mr. Speaker—67.

YAYS—Bolton, Boyd, E. T., Carter, Hall, Jeffreys, Kelly, Pierce, Ramey, Savedge, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, C. R., Wright, J. W.—16.

THE SPEAKER laid before the House the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby granted for the introduction and consideration of a bill entitled, "A bill to amend and re-enact section ninety-eight (98) of the Code of Virginia, in relation to registration of voters," which was rejected—ayes, 48; nays, 30.

The vote required by the joint order was recorded as follows:

AYES—Adams, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Breneman, Brewer, Bruce, Cato, Coiner, Fain, Gary, Gordon, Graham, Hamner, Harman, Hicks, Horner, Jesse, Keezell, Lyon, Massenburg, Milstead, Moffett, Moore, Mugler, Page, Parker, W. A., Rew, Sebrell, Shrader, Sinclair, Smith, H. T., Snead, Taylor, Topping, Waller, Warren, L. E., Watkins, Watts, Wesson, Williams, Witten, Wright, E. H., Wright, W. A., Young, Mr. Speaker—48.

YAYS—Barton, Bear, Bolton, Boyd, E. T., Boyd, I. C., Cole, Coleman, Diggs, Doosing, Graves, Hailey, Hanes, Jeffreys, Johnson, Jones, E. B., Kelly, Mason, Norris, Pierce, Ramey, Saunders, Savedge, Shepherd, Smith, C. H., Smith, J. S., Stickley, Tuck, Warren, C. R., Wood, Wright, J. W.—30.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate, the House of Delegates concurring, That permission be, and the same is hereby, given for the introduction and consideration of a bill entitled:

"A bill to amend and re-enact section 3945 of the Code of Virginia of 1919, in relation to the establishment and maintenance of depots,

telegraph and telephone offices, along their lines, by railroad companies doing business in this State, prescribing the powers of the State Corporation Commission with reference thereto, the duties of operators and train dispatchers, and imposing penalties for violation," which was rejected—ayes, 40; nays, 42.

The vote required by the joint order was recorded as follows:

AYES—Barton, Bird, George T., Bird, W. W., Booker, Boschen, Boyd, I. C., Breneman, Brewer, Dovell, Fain, Fuller, Gary, Graham, Hailey, Hicks, Horner, Johnson, Jones, J. P., Jordan, Keezell, Massenburg, Mugler, Page, Price, Rew, Sebrell, Simth, H. T., Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Weeks, Williams, Wright, E. H., Wright, J. W., Mr. Speaker—40.

NAYS—Adams, Bear, Bolling, Bolton, Bowles, Boyd, E. T., Bruce, Carter, Cato, Cole, Coleman, Diggs, Doosing, George, Gordon, Graves, Hall, Hamner, Hanes, Harman, Jeffreys, Jesse, Kelly, Lyon, Malbon, Mason, Norris, Parker, W. A., Pierce, Ramey, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, J. S., Snead, Stickley, Warren, C. R., Wood, Wright, W. A., Young—42.

THE SPEAKER laid before the House the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby, given for the introduction and consideration of a bill entitled: A bill to amend and re-enact section 4786 of the Code of Virginia, in relation to the commencement of confinement in conviction for two or more offenses, which was rejected—ayes, 25; nays, 41.

The vote required by the joint order was recorded as follows:

AYES—Adams, Bird, George T., Bolling, Boschen, Brewer, Coiner, Cole, Fain, Fuller, Graves, Hailey, Hicks, Jones, J. P., Massenburg, Milstead, Mugler, Parker, W. A., Rew, Shrader, Snead, Watkins, Williams, Witten, Wright, W. A., Mr. Speaker—25.

NAYS—Barton, Bear, Bird, W. W., Bolton, Booker, Boyd, E. T., Boyd, I. C., Bruce, Carter, Cato, Diggs, Doosing, Gordon, Graham, Hall, Hanes, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Kelly, Lyon, Mason, Norris, Pierce, Price, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, C. R., Warren, Geo. M., Wood, Wright, E. H., Wright, J. W.—41.

THE SPEAKER laid before the House the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby, given for the introduction and consideration of a bill entitled:

A bill to amend and re-enact section 3 of an act entitled an act to release all liens upon real estate for taxes and levies due and payable to the Commonwealth of any political subdivision thereof prior to July 10, 1902; to provide that the right, title and interest of the Commonwealth in and to all real estate sold for taxes and levies assessed prior to July 10, 1902, which real estate has been purchased by the Commonwealth and not resold is released unto and vested by operation of law in the person of persons who owned the real estate at the time the Commonwealth so acquired title, or persons claiming, or to claim, by, through, or under them; and to provide that on and after

July 1, 1926, no clerk shall make a tax deed or levies assessed prior to July 10, 1902, approved March 20, 1924, which was rejected—ayes, 26.; nays, 40.

The vote required by the joint order was recorded as follows:

AYES—Adams, Bird, George T., Bird, W. W., Bolling, Cole, Fuller, Graves, Hicks, Horner, Jeffreys, Jesse, Johnson, Massenburg, Milstead, Page, Parker, W. A. Rew, Shrader, Snead, Vellines, Watkins, Watts, Williams, Wright, E. H., Wright, W. A., Mr. Speaker—26.

NAYS—Barton, Bear, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Bruce, Carter, Cato, Coiner, Diggs, Doosing, George, Gordon, Graham, Hall, Hamner, Hanes, Harman, Jones, E. B., Keezell, Kelly, Malbon, Mason, Mugler, Pierce, Price, Savedge, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, C. R., Warren, Geo. M., Warren, L. E., Wood, Wright, J. W., Young—40.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate, the House of Delegates concurring, that permission be, and the same is hereby given for the introduction and consideration of a bill to amend and re-enact sections 2, 25, 30 and 67 of chapter 474 of the Acts of Assembly of 1926, regulating the operation of vehicles on the public highways, which was rejected—ayes, 42; nays, 36.

The vote required by the joint order was recorded as follows:

AYES—Barton, Bird, George T., Bird, W. W., Bolling, Boschen, Breneman, Brewer, Cato, Cole, Fain, Folkes, Fuller, Gary, George, Graham, Hailey, Hamner, Harman, Hicks, Horner, Johnson, Jones, C. A., Jones, J. P., Keezell, Lyon, Massenburg, Millstead, Moore, Mugler, Parker, W. A., Rew, Shrader, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Williams, Wright, E. H., Wright, J. W., Mr. Speaker—42.

NAYS—Bear, Bolton, Bowles, Boyd, E. T., Boyd, I. C., Bruce, Carter, Coleman, Diggs, Doosing, Gordon, Graves, Hall, Hanes, Jeffreys, Malbon, Mason, Norris, Pierce, Ramey, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Warren, C. R., Warren, L. E., Weeks, Wood, Young—36.

THE SPEAKER laid before the House the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, that consent be and the same is hereby, given for the introduction and consideration of a bill entitled, "A bill to amend and re-enact section 2698 of the Code of Virginia, as heretofore amended, relating to bonds of officers," which was rejected—ayes, 34; nays, 33.

The vote required by the joint order was recorded as follows:

AYES—Bird, George T., Bolling, Booker, Boschen, Breneman, Brewer, Coiner, Cole, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hicks, Horner, Jones, C. A., Jones J. P., Keezell, Massenburg, Milstead, Mugler, Ramey, Rew, Shrader, Snead, Topping, Tuck Warren, L. E., Williams, Wright E. H., Wright, W. A., Young, Mr. Speaker—34.

NAYS—Bear, Bird, W. W., Bolton, Boyd E. T., Bruce, Carter, Cato, Coleman, Diggs, George, Hailey, Hall, Hanes, Jeffreys, Johnson, Kelly, Lyon, Mason, Norris, Page, Pierce, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T. Smith, J. S., Stickley, Warren, C. R., Warren, Geo. M., Wood, Wright, J. W.—33.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved, by the Senate, the House of Delegates concurring, That permission be, and the same is hereby given for the introduction and consideration of a bill to amend and re-enact section 229 of the Code of Virginia, as heretofore amended, in relation to primary elections, which was rejected—ayes, 57; nays, 20.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Coiner, Cole, Fain, Gary, George, Graham, Graves, Hailey, Hamner, Hicks, Horner, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Rew, Rodgers, Saunders, Sebrell, Shrader, Sinclair, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Mr. Speaker—57.

NAYS—Bolton, Boyd, E. T., Carter, Cato, Diggs, Doosing, Gordon, Hall, Jeffreys, Kelly, Mason, Pierce, Price, Savedge, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, Geo. M.—20.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate, the House of Delegates concurring, that permission be, and the same is, hereby given for the introduction and consideration of the following bills:

1. A bill to amend and re-enact section 3333 of the Code of Virginia, relating to clerks' fees for issuing licenses, monthly reports, et cetera; (subsection b) of the second paragraph of section 3356 of the Code of Virginia, relating to closed season on migratory birds, and the fourth paragraph of section 3356 of the Code of Virginia, relating to selling game, as heretofore amended.

2. A bill to amend and re-enact clause 7 of section 3356 of the Code of Virginia, relating to further protection of game.

3. A bill to amend and re-enact an act entitled, "An act to amend and re-enact an act entitled an act to prevent damage and injuries by dogs, and to provide compensation to owners of stock so injured; to provide for licenses on dogs and to provide for penalties for violations thereof; to provide compensation to owners of fowl so injured, and to provide funds for the enforcement of this act therefrom," approved March 20, 1918, as amended by an act approved March 22, 1920; as amended by an act approved March 14, 1924, and, as further amended, by an act approved March 24, 1926.

4. A bill to amend and re-enact section 3210 of the Code of Virginia, relating to State hunting licenses; section 3330, of the Code of Virginia, relating to nonresident licenses, and section 3332 of the Code of Virginia, relating to issuing licenses, which was rejected—ayes, 27; nays, 37.

The vote required by the joint order was recorded as follows:

AYES—Barton, Bird, George T., Boschen, Bowles, Brewer, Cato, Cole, Fain, Fuller, George, Graves, Hailey, Hicks, Jones, J. P., Keezell, Massenburg, Milstead, Moffett, Norris, Rew, Rodgers, Sebrell, Topping, Tuck, Vellines, Wright, W. A., Mr. Speaker—27.

NAYS—Bolling, Bolton, Boyd, E. T., Boyd, I. C., Bruce, Carter, Diggs, Doosing, Gordon, Hall, Hanes, Horner, Jeffreys, Jesse, Kelly, Malbon, Mugler, Parker, W. A., Pierce, Ramey, Savedge, Shepherd, Shrader, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Waller, Warren, C. R., Warren, L. E., Watkins, Williams, Wright, E. H., Young—37.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate, the House of Delegates concurring, That permission be, and the same is, hereby given for the introduction and consideration of the following bill:

A bill to clearly define the exemption of building and loan associations or companies from the payment of any State income tax under the provisions of section 10 of the tax bill as heretofore amended, which was rejected—ayes, 49; nays, 24.

The vote required by the joint order was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Breneman, Brewer, Bruce, Coiner, Cole, Doosing, Fain, George, Graham, Graves, Hailey, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, J. P., Jordan, Keezell, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Rew, Sebrell, Shrader, Sinclair, Snead, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Williams, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker.—49.

NAYS—Barton, Bolton, Boyd, E. T., Boyd, I. C., Carter, Cato, Coleman, Diggs, Gordon, Hall, Hammer, Hanes, Kelly, Pierce, Price, Saunders, Savedge, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, C. R., Wood—24.

THE SPEAKER laid before the House the following Senate joint resolution.

Resolved by the Senate, the House of Delegates concurring, That permission be, and the same is hereby, given for the introduction and consideration of a bill entitled:

A bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the re-location of the improved channel of James river by the United States extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point, which was agreed to—ayes, 75; nays, 13.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hammer, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Price, Ramey, Rodgers, Saunders, Sebrell, Shrader, Sinclair, Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Carter, Hall, Hanes, Kelly, Pierce, Savedge, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Stickley, Warren, C. R., Warren, Geo. M.—13.

MR. BOSCHEN offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That permission be given for the introduction and consideration of a bill to

prohibit and make unlawful the installation on motor vehicles of devices capable and for the purpose of generating smoke or gases, to prohibit and make unlawful the operation, ownership or possession of motor vehicles equipped with such devices, to provide for the punishment of persons installing, or operating such devices or being in possession or owning vehicles so equipped, providing for presumptions as to guilt and knowledge, to provide for forfeitures of motor vehicles equipped with devices for generating smoke or gases and to repeal an act approved March 24, 1926, chapter 446 of the Acts of 1926, being an act to make it a misdemeanor to use unlawfully on a motor vehicle, or to have in possession on a motor vehicle with intent to use unlawfully, any device for creating a smoke screen, and to fix the penalty therefor, which was rejected—ayes, 48; nays, 21.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Breneman, Brewer, Bruce, Cole, Dovell, Folkes, Gary, Graham, Graves, Hailey, Hamner, Harman, Hicks, Horner, Jones, E. B., Jones, J. P., Keezell, Massenburg, Milstead, Mugler, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Shrader, Smith, H. T., Snead, Taylor, Topping, Waller, Watts, Weeks, Williams, Wright, J. W., Wright, W. A., Mr. Speaker—48.

NAYS—Carter, Cato, Diggs, George, Gordon, Jeffreys, Kelly, Malbon, Page, Pierce, Saunders, Savedge, Sebrell, Shepherd, Smith, C. H., Smith, J. S., Stickley, Warren, Geo. M., Warren, L. E., Watkins, Wright, E. H.—21.

MR. HICKS offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That permission be granted for the introduction and consideration of bill to amend and re-enact section 2690 of the Code of Virginia relating to the re-arrangement of magisterial districts and the judgment to be entered in proceedings therefor, which was rejected—ayes, 62; nays, 12.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Hicks, Horner, Jesse, Jones, J. P., Jordan, Keezell, Malbon, Massenburg, Milstead, Moffett, Moore, Mugler, Parker, W. A., Ramey, Rodgers, Shrader, Snead, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—62.

NAYS—Hall, Harman, Jeffreys, Pierce, Savedge, Sebrell, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Topping, Williams—12.

MR. MOORE offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That permission be given for the introduction and consideration of a bill to amend and re-enact section 848 of the Code of Virginia as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute, which was rejected—ayes, 71; nays, 8.

The vote required by joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Cato, Cole, Coleman, Diggs, Dovell, Fain, Folkes, Gary, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones,

E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Price, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, H. T., Snead, Taylor, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—71.

NAYS—Gordon, Kelly, Pierce, Ramey, Shepherd, Smith, C. H., Smith, J. S., Topping—8.

MR. TOPPING moved to reconsider the vote by which the House refused to permit the introduction of the bill, which was agreed to.

The resolution was agreed to—ayes, 82; nays, 3.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George, T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—82.

NAYS—Shepherd, Smith, C. H., Warren, C. R.—3.

MR. ADAMS offered the following resolution:

Resolved by the House of Delegates, the Senate concurring, That permission be and the same is hereby granted for the introduction of a bill to amend and re-enact section 17 of an act entitled an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916, approved March 14, 1924, relating to Confederate pensions, which was rejected—ayes, 70; nays, 6.

The vote required by the joint resolution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Cato, Coiner, Cole, Diggs, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Parker, W. A., Price, Ramey, Rodgers, Saunders, Sebrell, Shrader, Sinclair, Smith, H. T., Snead, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wright, J. W., Wright, W. A., Young, Mr. Speaker—70.

NAYS—Boyd, E. T., Hall, Savedge, Shepherd, Smith, C. H., Stickley—6.

MR. SAVEDGE moved to reconsider the vote by which the House refused to permit the introduction of the bill, which was agreed to.

The resolution was agreed to—ayes, 76; nays, 5.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Parker, W. A., Pierce, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Vellines, Waller,

Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.
NAYS—Hall, Harman, Lyon, Shepherd, Smith, C. H.—5.

No. 44. House bill to amend and re-enact sections 3, 4 and 7 of an act entitled an act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties, approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by acts approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicles fuels and to prescribe penalties, came up.

MR. PAGE moved to pass by the bill, which was rejected—ayes, 37; nays, 54.

On motion of MR. PAGE the vote was recorded as follows:

AYES—Allman, Barton, Boschen, Boyd, E. T., Carter, Coiner, Diggs, Fain, Folkes, Fuller, Gary, Gordon, Graves, Hall, Hanes, Hicks, Horner, Jones, C. A., Jordan, Mason, Moffett, Mugler, Page, Parker, W. A., Rodgers, Saunders, Savedge, Sebrell, Smith, C. H., Topping, Vellines, Warren, C. R., Warren, L. E., Wright, E. H., Wright, J. W., Wright, W. A., Young—37.

NAYS—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Cato, Cole, Coleman, Doosing, Dovell, George, Graham, Hailey, Hamner, Harman, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moore, Norris, Pierce, Ramey, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Mr. Speaker—54.

This bill was read at length a third time and rejected—ayes, 58; nays, 36.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cato, Cole, Coleman, Doosing, Dovell, George, Graham, Graves, Hailey, Hamner, Harman, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Kelly, Lyon, Massenburg, Milstead, Moore, Norris, Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Mr. Speaker—58.

NAYS—Allman, Boschen, Boyd, E. T., Carter, Diggs, Fain, Folkes, Fuller, Gary, Hall, Hanes, Hicks, Horner, Johnson, Jones, J. P., Jordan, Keezell, Malbon, Mason, Moffett, Mugler, Page, Parker, W. A., Price, Rodgers, Sebrell, Smith, C. H., Stickley, Topping, Vellines, Warren, C. R., Warren, L. E., Wright, E. H., Wright, J. W., Wright, W. A., Young—36.

MR. MOFFETT moved to reconsider the vote by which the bill was rejected, which was agreed to.

MR. BROWN moved to recommit the bill to the Committee on Roads and Internal Navigation, which was agreed to.

MR. BROWN moved that the Committee on Roads and Internal Navigation be permitted to sit during the session of the House, which was agreed to.

MR. BROWN moved that the chair be vacated for five minutes, which was agreed to—whereupon the chair was vacated—

The chair being resumed.

No. 44. House bill to amend and re-enact sections 3, 4 and 7 of an act entitled an act to levy a tax upon motor vehicle fuels; to provide for its collection; to appropriate revenue raised by the same and to prescribe penalties, approved March 26, 1923, section 3 of which was amended by an act approved March 10, 1926, and section 4 of which was amended by acts approved March 21, 1924, and March 10, 1926; to provide for publicity as to retail prices of motor vehicles fuels and to prescribe penalties, heretofore recommitted to the Committee on Roads and Internal Navigation was reported back by the chairman with an amendment.

The amendment proposed by the Committee on Roads and Internal Navigation as follows:

Strike out section 2 as follows:

"2. An emergency existing, this act shall be in force from its passage" was agreed to—ayes, 57; nays, 34.

On motion of MR. BROWN the vote was recorded as follows:

AYES—Adams, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cato, Cole, Coleman, Doosing, Dovell, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Jeffreys, Jesse, Jones, E. B., Kelly, Lyon, Malbon, Massenburg, Milstead, Moore, Norris, Pierce, Ramey, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Mr. Speaker—57.

NAYS—Allman, Boschen, Boyd, E. T., Carter, Coiner, Diggs, Fain, Folkes, Fuller, Gary, Hall, Hanes, Horner, Johnson, Jones, J. P., Jordan, Moffett, Mugler, Page, Parker, W. A., Price, Rodgers, Saunders, Smith, C. H., Topping, Vellines, Warren, C. R., Warren, L. E., Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young—34.

The question being on the passage of the bill was put and decided in the affirmative—ayes, 61; nays, 32.

The vote required by the Constitution, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cato, Coiner, Cole, Coleman, Doosing, Dovell, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Norris, Pierce, Ramey, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Mr. Speaker—61.

NAYS—Allman, Boschen, Boyd, E. T., Carter, Diggs, Fain, Fuller, Gary, Hall, Hicks, Horner, Johnson, Jones, J. P., Jordan, Keezell, Mugler, Page, Parker, W. A., Price, Rodgers, Rew, Saunders, Smith, C. H., Stickley, Topping, Vellines, Warren, C. R., Warren, L. E., Wright, E. H., Wright, J. W., Wright, W. A., Young—32.

MR. BROWN moved to reconsider the vote by which the bill was passed, which was rejected.

All other business having been suspended, THE SPEAKER, in the presence of the House, signed the following bills, which had been passed by both houses and duly enrolled, the titles of said bills having been publicly read.

No. 2. Senate bill to amend and re-enact sections 2, 4, 10 and 11 of an act entitled an act to provide for the creation of sanitary districts

in counties of the State adjoining a city having a population, according to the last preceding United States census, of one hundred and seventy thousand inhabitants or more; to prescribe the powers and duties of the boards of supervisors of such counties as to the construction, acquisition, maintenance and operation of water supply, sewerage, light and power and gas systems in such districts; and to provide for the issuance of county bonds; to provide funds for establishing and operating such public utilities in said sanitary districts, approved March 17, 1926.

No. 3. Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein.

No. 6. Senate bill to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction, and location of buildings and other structures in said counties.

No. 8. Senate bill to authorize the county of Elizabeth City to borrow the sum of thirty thousand (\$30,000.00) dollars, and to issue county bonds therefor for the purpose of making additions to the county jail and installing new cells therein; making an addition to the record vault in the clerk's office, and installing new metal fixtures therein; adding one jury room to the courthouse for the use of petit and grand jurors during session of the circuit court of said county, and for installing a central heating plant in the addition to the jail for the purpose of heating said jail and the courthouse of said county.

On motion of MR. SMITH, *of Alexandria*, the House adjourned.

THOS. W. OZLIN,

Speaker of the House of Delegates.

JOHN W. WILLIAMS,

Clerk of the House of Delegates.

TUESDAY, APRIL 5, 1927

Prayer by Rev. William Atkinson Ryan, Associate Minister, Seventh Street Christian Church, Richmond, Virginia.

On motion of MR. SINCLAIR, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows:

The Senate, April 4, 1927.

The Senate has concurred in amendments proposed by the House of Delegates to Senate bill entitled an act to repeal all special road laws now in force in the county of Rockingham, and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways, No. 9; they have refused to concur in the amendments proposed by the House of Delegates to Senate bill entitled an act to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency, No. 1.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 33. Senate bill to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 103 of the charter of the city of Richmond, as the same may have been heretofore amended.

No. 34. Senate bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 35. Senate bill authorizing the board of supervisors of the county of Tazewell to make appropiations for the expenses of the judge of the twenty-second judicial circuit.

No. 37. Senate bill providing for the exercise of the police powers of cities of the first class by counties having a population of more than 500 per square mile—over public service corporations using the streets, roads, alleys and other public places in such counties.

No. 40. Senate bill to amend and reenact an act entitled, "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 42. Senate bill to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and

collection of a tax for the payment of the interest thereon and the principal thereof at maturity.

No. 25. Senate bill to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax known as Motley's Corner to the corporate limits of South Boston; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

The following Senate bills having been considered by the committee in session were reported from the Committee for Courts of Justice:

No. 29. Senate bill making it a misdemeanor to drive an automobile, or any other vehicle over or upon, or to injure or destroy any hose or equipment of a fire company and prescribing penalties therefor, in the counties of Arlington, Prince William and Fairfax.

No. 30. Senate bill giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William and Fairfax counties.

No. 16. Senate bill to amend and re-enact an act of the General Assembly approved March 26, 1926, entitled, "An act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto;" having been considered by the committee in session was reported from the Committee on Counties, Cities and Towns, with amendments.

The following Senate bills having been considered by the committee in session were reported from the Committee on Schools and Colleges:

No. 5. Senate bill to authorize the board of visitors of the Virginia School for the Deaf and the Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school.

No. 36. Senate bill to authorize a school census in Martinsville district, Reed Creek district and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quincennial census taken in said districts in nineteen hundred and twenty-five.

No. 41. Senate bill to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency.

No. 43. Senate bill to amend and re-enact an act entitled, "An act to amend and re-enact section 1 of an act approved March 20, 1920, entitled an act in relation to local school taxes; and repealing

section 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926.

No. 59. House bill to amend and re-enact section 777 of the Code of Virginia, in relation to city school boards; having been considered by the committee in session was referred to the Committee on Schools and Colleges.

The following House bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 60. House bill to amend and re-enact section 28 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924.

No. 61. House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it.

House bill to amend and re-enact section 1 of chapter 7 of an act entitled, "An act to incorporate the city of Danville," approved February 17, 1890, as heretofore amended; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact sections 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to

create a sinking fund to redeem the principal thereof at maturity; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Schools and Colleges.

A message was received from the Senate by MR. BOOKER, who informed the House that the Senate had agreed to House joint resolution granting permission for the introduction of a bill "to amend and re-enact section 17 of an act entitled an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916, approved March 14, 1924, relating to Confederate pensions.

MR. JONES, *of Richmond city*, offered the following joint resolution:

Whereas, the city of Richmond, through its Mayor, Hon. J. Fulmer Bright, has declared Thursday, April 7, 1927, a legal holiday on account of the celebration of Northern Neck Day in the city of Richmond, therefore be it

Resolved by the House of Delegates (the Senate concurring) the Governor is hereby requested to declare April 7th from 12 o'clock noon, a holiday for the purpose of allowing the State officials and employees and those engaged in the service of the State at the State Capitol to participate in the exercises to be held on that date, which was agreed to.

Ordered that MR. JONES, *of Richmond city*, carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. MILLS, who informed the House that the Senate had agreed to the joint resolution.

MR. NORRIS offered the following joint resolution.

Whereas, there appears to be considerable doubt in the minds of many as to whether or not the act of assembly known as, "The Uniform Small Loan Law" is fair and just; and

Whereas, reliable information, on which intelligent action upon said bill could be taken, is not available at this time; and by the terms of the said law the licenses thereunder are placed under the supervision of the Chief State Bank Examiner of the Banking Division of the State Corporation Commission with full power of investigation and examination:

Be it resolved by the House of Delegates of the General Assembly of Virginia (the Senate concurring), that the Chief State Bank Examiner of the Banking Division of the State Corporation Commission be, and he hereby is, requested to make such examinations and investigations of the business conducted and methods employed by the licenses

operating under the said Uniform Small Loan Law during the year nineteen hundred and twenty-seven as will enable said Chief State Bank Examiner to furnish the General Assembly of Virginia at the commencement of the regular session for the year nineteen hundred and twenty-eight, with accurate information showing the net income earned on capital invested by each of the said licensees, between January first, nineteen hundred and twenty-seven and January first, nineteen hundred and twenty-eight; and be it further resolved that a committee of three, two to be appointed from the members of the House of Delegates by THE SPEAKER, and one to be appointed from the Senate by the PRESIDENT, be, and hereby is, authorized and empowered along with the Chief State Bank Examiner, as aforesaid, to make such examinations and investigations, as aforesaid, and is directed to report to the next regular session of the General Assembly such legislation with reference to said Uniform Small Loan Law as in its judgment is advisable and proper, which was agreed to.

Ordered that MR. NORRIS carry the resolution to the Senate and request their concurrence.

The Speaker laid before the House the following Senate joint resolution:

Be it resolved by the Senate of Virginia, the House of Delegates concurring, that no person accused or convicted of a felony and confined in any institution in this State for the insane shall be permitted any liberty other than is given persons confined in the penitentiary, unless, by written resolution. The general hospital board shall deem such liberty necessary to the proper medical treatment of such persons; and

Be it further resolved that a copy of this resolution be forwarded by the Clerk of the House of Delegates to the superintendent of the hospitals for the insane in this State, which was rejected.

Ordered that MR. HARMAN inform the Senate.

MR. BOWLES offered the following House joint resolution; in relation to the appointment of a committee on motor vehicle questions.

Whereas, bills have been introduced providing for a change in the method of licensing motor vehicles, and

Whereas, it is the judgment of the General Assembly that a reduction in the license taxes should be made as soon as practicable, but the General Assembly desiring more information on the subject; therefore,

Resolved, by the House of Delegates, the Senate concurring, That there be appointed a committee of five, two to be appointed by the SPEAKER of the House of Delegates, one by the PRESIDENT of the Senate, and two by the Governor, to consider the question of the method of licensing motor vehicles including a reduction in motor vehicle licenses; the question of free licenses for publicly-owned motor vehicles, and such other matters in relation to motor vehicles as the committee may deem wise, and to report to the General Assembly at its session of 1928 with recommendations.

Resolved further, that the said commission consider and report at the same time such amendments to the motor vehicle laws as may seem advisable, which was agreed to—ayes, 52; nays, 41.

On motion of MR. BOSCHEN, the vote was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cato, Coiner, Cole, Coleman, Doosing, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Jones, E. B., Keezell, Kelly, Mason, Milstead, Moffett, Moore, Norris, Ramey, Shepherd, Snead, Tuck, Waller, Warren, Geo. M., Watkins, Weeks, Wesson, Williams, Witten, Wood, Wright, W. A., Mr. Speaker—52.

NAYS—Allman, Boschen, Boyd, E. T., Carter, Davis, Diggs, Dovell, Fain, Folkes, Fuller, Gary, Hall, Horner, Johnson, Jones, J. P., Lyon, Massenburg, Mugler, Page, Parker, W. A., Pierce, Price, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Speers, Stickley, Taylor, Topping, Vellines, Warren, C. R., Warren, L. E., Wright, E. H., Wright, J. W.—41.

MR. BROWN moved to reconsider the vote by which the resolution was agreed to, which was rejected.

A message was received from the Senate by MR. WOODSON, who informed the House that the Senate had agreed to the following Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, That consent be, and the same is hereby given, for the introduction and consideration of a bill entitled: "A bill validating the recordation of mechanics' liens in mechanics' lien books," in which they request the concurrence of the House.

A message was received from the Senate by MR. LAMBETH, who informed the House that the Senate had agreed to House joint resolution granting permission to introduce bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

The following communication was received from the Governor.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, *April 5, 1927.*

To the General Assembly of Virginia:

Upon the transmission to me of the first joint resolution adopted by the General Assembly relative to the storage of explosives at Yorktown and Pig Point I at once transmitted a copy of this resolution to the Secretary of the Navy.

I am today in receipt of the attached reply from the Hon. Curtis D. Wilbur, Secretary of the Navy, I respectfully submit this reply to you.

Cordially yours,

HARRY F. BYRD,
Governor of Virginia.

THE SECRETARY OF THE NAVY,
WASHINGTON, *April 2, 1927.*

MY DEAR GOVERNOR:

I wish to acknowledge receipt of joint resolution of the Virginia General Assembly and Senate relating to the storage of explosives at Yorktown and Pig Point.

I have in hand the comments of the Chief of the Bureau of Ordnance with relation to this resolution, from which I quote as follows:

"The First Deficiency Act of the 2nd Session of the 69th Congress provided \$580,000 for the purpose of erecting seventy-seven small buildings at Yorktown, Virginia. These seventy-seven small buildings will store 11,000,000 pounds of high explosives in lots of approximately 140,000 pounds each. The buildings are to be erected in groups of seven each group to store 1,000,000 pounds. The buildings of each group are to be separated from each other by a distance of not less than 500 feet and the nearest building of one group is not to be closer than 1,900 feet to the nearest building of another group. No building of the new construction is to be located closer to the government line than 2,800 feet.

"All of the distances above mentioned are in excess of the requirements of the American Table of Distances and the New Jersey State law, which is considered a model for the purpose of safety.

"The 11,000,000 pounds of TNT to be thus stored are now at Yorktown 7,000,000 pounds of this amount have been in Virginia since the demobilization subsequent to the World War and only 4,000,000 pounds have been recently moved to Virginia. It will be seen from the above that this construction at Yorktown is being done according to the best and safest practices and furthermore that it is largely being done for the protection of the interests of Virginia citizens, as approximately two-thirds of the amount to be stored has been in Virginia all the time and has been removed to Yorktown to protect other places in Virginia.

"The joint resolution forwarded is filled with inaccuracies, however, I do not think it pertinent to make any remarks in detail concerning this point.

"The high explosive in question is valuable material and is required for the reserve stock of the Navy and must be properly taken care of. This Bureau recommends that the construction already authorized be proceeded with."

The Navy Department does not desire to impose any unnecessary hazard upon any State. Its movement of explosives has been entirely with the view to increasing the safety of such storage. It is regretted that the legislature of Virginia acted in this matter without hearing from the department or being advised as to the facts from which it appears that the movement of explosives to Yorktown has been undertaken with a view of safeguarding the interests of the citizens of Virginia and in advance of any protest of such citizens.

The Department has taken steps to procure a suitable site for the storage of explosives in the State of Nevada, and the Bureau of the Budget has approved legislation and appropriation authorizing the establishment of this ammunition depot. These measures failed, however, in the last hours of the session of Congress but application therefor will be renewed at the beginning of the next session. It is believed careful consideration of the plans of the Navy Department will satisfy you and the Virginia legislature and the people of Virginia that the peril to them involved in the storage of high explosives at Yorktown is negligible under the circumstances.

Sincerely yours,

CURTIS D. WILBUR.

HON. HARRY FLOOD BYRD,
Governor of Virginia,
Richmond, Virginia.

The following were presented and referred under rule 37:

To the Committee for Courts of Justice:

By MR. PIERCE: A petition of right for redress of grievances on behalf of the Republican party of Virginia and citizens signing same as follows: Joseph L. Crupper, Chairman; C. Bascom Slemple, National Committeeman; John M. Parsons; John Paul; John G. Anderson; Robert A. Fulwiler; John C. Noel; Joseph P. Brady; Duncan Curry; S. R. Hurley; P. Mitchell Taylor; Henry W. Anderson; S. Harris Hoge; R. V. Wolfe; Henry Bowden; Luther May; S. G. Proffit; C. M. Dozier; S. M. Atkinson; Percy Stephenson; J. D. Bassett; C. S. Pendleton;

P. A. Richmond; J. L. Godsey; S. T. Copenhaver; R. A. Anderson; Ryland Croft; Leonard R. Hall; Frederick Millard; Mrs. M. J. Caples; Mrs. M. M. Caldwell; Jacquelin P. Taylor; G. M. Rumble; S. P. Powell; R. O. Crockett; L. S. Parsons; J. C. Beale; Roland Thorpe; M. C. Lankford; W. F. Oxler; Mrs. W. F. Oxler; Mrs. W. H. Hornborger; Mrs. Frank Goodpasture; G. F. Pierce; Nehemiah Kelly; F. J. Smith; H. T. Smith.

To the Committee on Appropriations:

By MR. ADAMS: A bill to amend and re-enact section 17 of an act entitled, "An act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916," approved March 14, 1924, relating to Confederate pensions.

To the Committee on Schools and Colleges:

By MR. MOORE: A bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

To the Committee on Special, Private and Local Legislation:

By MR. BRUCE: A bill to amend and re-enact an act entitled, "An act to provide that no person, otherwise entitled to attend any public high school in the counties of Amherst, Nelson, Louisa, Tazewell, Fluvanna, Goochland, Dinwiddie and Campbell, shall be denied such privilege because of the nonpayment by him or her, or someone for him or her, of any tuition charge," approved March 24, 1926, so as to bring the counties of Prince Edward and Cumberland under the provisions of this act.

By MR. WITTEN: A bill to authorize the town council of the, town of Bluefield, Virginia, to convey with or without consideration certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation.

By MR. DOOSING: A bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery.

By MESSRS. DAVIS and SPEERS: A bill to amend and re-enact section 23 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk;" and to provide a charter for the city of South Norfolk," approved March 20, 1924.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time.

No. 33. Senate bill to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended.

No. 34. Senate bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 35. Senate bill authorizing the board of supervisors of the county of Tazewell to make appropriations for the expenses of the judge of the twenty-second judicial circuit.

No. 37. Senate bill providing for the exercise of the police powers of cities of the first class by counties having a population of more than 500 per square mile—over public service corporations using the streets, roads, alleys, and other public places in such counties.

No. 40. Senate bill to amend and re-enact an act entitled, "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 42. Senate bill to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and collection of a tax for the payment of the interest thereon and the principal thereof at maturity.

No. 25. Senate bill to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax known as Motley's Corner to the corporate limits of South Boston.

No. 29. Senate bill making it a misdemeanor to drive an automobile, or any other vehicle over or upon, or to injure or destroy any hose or equipment of a fire company and prescribe penalties therefor, in the counties of Arlington, Prince William and Fairfax.

No. 30. Senate bill giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William and Fairfax counties.

No. 16. Senate bill to amend and re-enact an act of the General Assembly approved March 26, 1926, entitled, "An act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto."

No. 5. Senate bill to authorize the board of visitors of the Virginia School for the Deaf and the Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school.

No. 36. Senate bill to authorize a school census in Martinsville district, Reed Creek district and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five.

No. 41. Senate bill to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand

dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency.

No. 43. Senate bill to amend and re-enact an act entitled, "An act to amend and re-enact section 1 of an act approved March 20, 1920, entitled an act in relation to local school taxes; and repealing section 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926.

The following House bills were read at length a first time and ordered to be printed.

No. 59. House bill to amend and re-enact section 777 of the Code of Virginia, in relation to city school boards.

No. 60. House bill to amend and re-enact section 28 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1910, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924.

No. 61. House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their compensation; to prohibit violations of this act and to prescribe penalties therefor, came up.

MR. BARTON moved to amend the amendment proposed by the Senate by adding thereto the following:

"A carload of apples shall not be considered as actually accepted by a common carrier for shipment until the loading is finished, the car sided and the bill of lading issued," which was agreed to.

The amendment proposed by the Senate was concurred in—ayes, 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moore, Mugler, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Smith, H. T., Snead, Speers, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

MR. BARTON moved to reconsider the vote by which the amendment was concurred in, which was rejected.

The following Senate bills were read at length a third time and passed.

No. 18. Senate bill to amend the tax bill, as heretofore amended, by adding thereto two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$ in relation to inheritance and transfer taxes—ayes, 65; nays, 5.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fuller, Gary, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jones, E. B., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Norris, Parker, W. A., Price, Rodgers, Saunders, Savedge, Shepherd, Shrader, Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Williams, Wood, Wright, E. H., Wright, W. A., Mr. Speaker—65.

NAYS—Boschen, Davis, Hall, Jones, J. P., Young—5.

No. 4. Senate bill to authorize the Virginia State Penitentiary board to cancel the indebtedness of the Mt. Pisgah Methodist Episcopal Church of Midlothian, Virginia, to the Industrial Department of the Virginia State Penitentiary—yes, 67; nays, 11.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Harman, Hicks, Horner, Jesse, Jones, E. B., Jones, J. P., Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Parker, W. A., Price, Rodgers, Saunders, Savedge, Shepherd, Shrader, Snead, Speers, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—67.

NAYS—Bowles, Gordon, Hall, Jordan, Mason, Pierce, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Young—11.

Motions severally made to reconsider the votes by which Nos. 18 and 4 Senate bills were passed were rejected.

The following House bills were read at length a third time and passed.

No. 49. House bill to amend and re-enact an act entitled an act requiring all oysters from the public rocks of the Commonwealth to be inspected when loaded on vessels; measurements, tax, penalties, approved March 24, 1926—ayes, 70; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Folkes, Fuller, Gary, George, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Speers, Topping, Tuck, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Mr. Speaker—70.

NAYS—Norris—1.

No. 50. House bill to amend and re-enact an act entitled an act to amend and re-enact section 1 of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foremen; approved March 18, 1926—ayes, 79; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Sneed, Speers, Taylor, Topping, Tuck, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—Graves—1.

No. 51. House bill to amend and re-enact section one (1) of an act entitled an act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923, approved March 24, 1926, in the counties of Accomac and Northampton—ayes, 81; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Sneed, Speers, Taylor, Topping, Tuck, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—81.

NAYS—0.

No. 52. House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses, and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon—ayes, 77; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter,

Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Pierce, Price, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Taylor, Topping, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—Rodgers—1.

No. 53. House bill to authorize and permit the council of the town of Phoebus, to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Virginia—ayes, 82; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carte, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Norris, Page, Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—Mugler—1.

No. 54. House bill to authorize the school board of the city of Hampton, to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes, and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds—ayes, 78; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bolling, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Hailey, Hall, Hamner, Hanes, Harman, Jeffreys, Johnson, Jones, E. B., Jordan, Keezell, Kelly, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Norris, Page, Parker, W. A., Price, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

No. 55. House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act, so far as they relate to the city of Roanoke, approved March 22, 1924—ayes, 78; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Fuller, Gary, George,

Gordon, Graham, Graves, Hall, Hamner, Harman, Hicks, Horner, Jesse, Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Mugler, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—Jones, C. A.—1.

No. 56. House bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity—ayes, 75; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Fuller, Gary, George, Gordon, Graham, Hall, Hamner, Harman, Hicks, Horner, Jesse, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Mugler, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Graves, Watts—2.

Motions severally made to reconsider the vote by which Nos. 49, 50, 51, 52, 53, 54, 55 and 56 House bills were passed, were rejected.

The following Senate bills were read at length a second time:

No. 31. Senate bill to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor, for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county.

No. 19. Senate bill to authorize the town of Wakefield in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00), and to issue the bonds of the town therefor, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town; providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue.

No. 26. Senate bill authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the fourth judicial circuit.

No. 24. Senate bill to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926,

relating to hunting, trapping, fishing and ranging upon the property of another.

No. 38. Senate bill permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand, and not more than one hundred and thirty-five thousand; authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured and sold, and defining the offenses and penalties for violation of the act.

MR. SMITH, of *Alexandria*, moved that the chair be vacated at 2 o'clock to be resumed at 3:30 o'clock P. M. which was agreed to.

The hour of 2 o'clock P. M. having arrived, the chair was vacated.

TUESDAY, APRIL 5—AFTERNOON SESSION

The hour of 3:30 o'clock P. M. having arrived, the chair was resumed.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 57. House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 58. House bill to authorize the councils or other governing bodies of the cities of the Commonwealth, whose charters provide for the appointment of a city collector, to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer.

No. 46. House bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year.

No. 45. House bill to amend and re-enact subsection (e) of section 28 of an act entitled an act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith, approved March 17, 1926, having been printed was read at length a second time.

MR. MOFFETT moved to amend as follows:

After enacting clause add the following paragraph:

(b) On and after January 1, 1928, the fee for the certification of registration and license plates to be paid by the owner of the machine

shall be sixty cents per hundred pounds of weight or major fraction thereof. Manufacturers' shipping weights shall be used in determining the license fees herein prescribed. All motor vehicles designed and used for the transportation of passengers shall be licensed according to weight. Provided that no fee for an automobile shall be less than eleven (\$11.00) dollars per year, and no fee for a motorcycle shall be less than five (\$5.00) dollars per year and two (\$2.00) additional for side car attached, which was agreed to—ayes, 52; nays, 43.

On motion of MR. BOWLES, the vote was recorded as follows:

AYES—Allman, Bolling, Boschen, Boyd, E. T., Brewer, Carter, Coiner, Diggs, Dovell, Fain, Folkes, Fuller, Gary, Hall, Hanes, Hicks, Horner, Johnson, Jones, C. A., Jones, J. P., Jordan, Malbon, Mason, Massenburg, Milstead, Moffett, Mugler, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Savedge, Sebrell, Shrader, Sinclair, Smith, C. H., Smith, J. S., Speers, Taylor, Topping, Vellines, Warren, C. R., Warren, L. E., Watts, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young—52.

NAYS—Adams, Barton, Bird, George T., Bird, W. W., Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Cato, Cole, Coleman, Davis, Doosing, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Jeffreys, Jesse, Jones E. B., Keezell, Kelly, Lyon, Moore, Ramey, Shepherd, Smith, H. T., Snead, Stickley Tuck, Waller, Warren, Geo. M., Weeks, Wesson, Williams, Wood, Mr. Speaker—43

MR. SAUNDERS stated that he would have voted in the affirmative but was paired with MR. BEAR.

MR. MOFFETT moved to amend the title by striking out "subsection (c)" and inserting in lieu "subsections (b) and (e)" which was agreed to.

MR. MOFFETT moved to reconsider the vote by which the amendment was agreed to, which was rejected.

MRS. FAIN moved to amend by striking out

2. An emergency existing, this act shall be in force from the passage, which was agreed to.

The bill was ordered to be engrossed.

MR. HALL moved to reconsider the vote by which the bill was ordered to be engrossed, which was rejected.

On motion of MR. SMITH, *of Alexandria*, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates

JOHN W. WILLIAMS,
Clerk of the House of Delegates

WEDNESDAY, APRIL 6, 1927

Prayer by Rev. Geo. W. McDaniel, D. D., Pastor First Baptist Church, Richmond, Virginia.

On motion of MR. SNEAD, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate, by their Clerk, was read as follows:

In Senate, April, 5, 1927.

The Senate has concurred in the amendments proposed by the House of Delegates to Senate bill entitled an act to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires or in going to or returning therefrom, in Arlington, Fairfax and Prince William counties and the city of Alexandria, No. 13; they have passed House bills entitled an act to amend and re-enact section 2414 of the Code of Virginia, as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne, No. 21; an act to amend and re-enact an act entitled an act for the protection of foxes or other fur bearing or hair bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell and Washington counties, and to provide punishment for the violation thereof, approved March 24, 1926, No. 27; an act to prohibit the killing, catching or taking of fish from the waters of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to hook and line, No. 28; an act to authorize the board of supervisors of York County to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable, No. 29; and an act to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity, No. 30. They have passed with amendments House bills entitled an act to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect, No. 16; an act to amend and re-enact section 2726 of the Code of Virginia as amended, by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell, No. 20; and an act to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia, in relation to oysters and clams, No. 26. They have concurred in the recommendations of

the Governor to Senate bills entitled an act creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purpose, and to provide funds for establishing and operating such public utilities therein, No. 3; and an act to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the heights thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties, No. 6; and they have passed Senate bills entitled an act to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00) and to issue bonds of the said county therefor, for the purpose of constructing two public roads to Stanardsville and Monroe magisterial districts of said county, one extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spotswood Trail by way of Geer to a fork in the road above J. A. Williams, No. 45; an act to amend and re-enact sections 99, 108, 129, 136 and 137, of an act to provide a new charter for the town of Blackstone, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted, No. 44; an act to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature, No. 46; and an act to amend and re-enact section 5873 of the Code of Virginia, as heretofore amended, in relation to a special No. 48; in which they request the concurrence of the House of Delegates.

Nos. 16, 20 and 26 House bills were on motions severally made placed on the calendar.

No. 45. Senate bill was referred to the Committee on Roads and Internal Navigation.

No. 44. Senate bill was referred to the Committee on Counties, Cities and Towns.

No. 46. Senate bill was referred to the Committee on Schools and Colleges.

No. 48. Senate bill was referred to the Committee for Courts of Justice.

No. 39. Senate bill to amend an act approved March 22, 1924, entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this

act so far as they relate to the city of Roanoke," by adding thereto section No. 72; having been considered by the committee in session was reported from the Committee on Counties, Cities and Towns.

The following House bills having been considered by the committee in session were reported from the Committee on Schools and Colleges:

No. 62. House bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

No. 63. House bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

No. 64. House bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds, therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of supervisors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity.

No. 65. House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring, the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

No. 66. House bill to amend and re-enact section 1 of chapter 7 of an act entitled, "An act to incorporate the city of Danville," approved February 17, 1890, as heretofore amended; having been considered by the committee in session was reported from the Committee on Counties, Cities and Towns.

No. 67. House bill to amend and re-enact section 17 of an act entitled, "An act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916," approved March 14, 1924, relating to Confederate pensions; having been considered by the committee in session was reported from the Committee on Appropriations.

House bill to amend and re-enact an act entitled, "An act to provide that no person, otherwise entitled to attend any public high school in the counties of Amherst, Nelson, Louisa, Tazewell, Fluvanna, Goochland, Dinwiddie and Campbell, shall be denied such privilege because of the nonpayment by him or her, or someone for him or her, of any tuition charge," approved March 24, 1926, so as to bring the counties of Prince Edward and Cumberland under the provisions of this act; having been considered by the Joint Committee on

Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Schools and Colleges.

House bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county Montgomery; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to amend and re-enact section 23 of an act entitled, "An act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk;" and to provide a charter for the city of South Norfolk," approved March 20, 1924; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*

The bill was referred to the Committee on Counties, Cities and Towns.

House bill to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation; having been considered by the Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Counties, Cities and Towns.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, *April 5, 1927.*

To the General Assembly of Virginia:

I beg to transmit to you the attached communication received from the State Corporation Commission.

I commend the request of the State Corporation Commission to your favorable consideration. The bill referred to, however, should be changed to conform with the amendments suggested in the attached communication from the commission so that if for any reason the new method of assessment of the property referred to becomes invalid then authority is given to return to the present method.

Respectfully yours,

HARRY F. BYRD,
Governor of Virginia.

STATE CORPORATION COMMISSION,
RICHMOND, VA., *April 4, 1927.*

To His Excellency, THE HON. HARRY FLOOD BYRD,
Governor of Virginia,
Richmond, Virginia.

DEAR SIR:

The State Corporation Commission calls your attention to the fact that at its request SEN. BARRON has presented to the Senate of Virginia a bill amending sections 27 and 28 of the tax bill with reference to the assessment and taxation of railroads.

This bill makes only the following changes:

(1) It provides for the assessment of the physical properties of railroad companies as of January 1 instead of June 30 as now provided.

(2) It provides for the calculation of the franchise tax for 1927 upon the gross receipts for the year ending December 31, 1926, instead of the year ending June 30, 1927, as now provided; and that for each succeeding year the franchise tax shall be equal to the statutory percentage of the gross transportation receipts for the year ending December 31, preceding.

(3) It requires railroad companies to make their tax reports to the commission on June 1 of each year instead of August 15, as is now provided.

The Senate has given the three-fourths consent necessary to the introduction of this bill, but the House has not.

We consider this bill of much importance in the administration of the taxation of railroads.

(1) It will give the railroads, five months instead of six weeks in which to prepare their reports.

(2) It will require the railroad to make reports for the same periods for which they report to the Federal government, which will enable this commission to check the reports to it by the reports to the Federal government, and will save the railroads much expense by enabling them to prepare their reports to us from the same data that they use in reporting to the Federal government.

(3) It will give this commission four and a half months in which to check over the tax reports of the railroads, instead of the sixty days now allowed by law.

It is impossible to make a proper review of the value of the physical properties of the railroads in Virginia, aggregating an assessed value of over \$140,000,000 in sixty days.

The bill as presented by SEN. BARRON should be safeguarded by the following amendment, inserted immediately before the emergency clause:

If the provisions of this act providing for the payment by any corporation mentioned herein of an annual State franchise tax measured by, or equal to, a percentum of the gross transportation receipts of such company for the year ending the thirty-first day of December preceding the year for which such franchise tax is

levied, shall be in violation of the Constitution of the United States or of Virginia, or for any other reason invalid; then there is hereby substituted for the words "*The year ending the thirty-first day of December preceding,*" or other words of similar import, wherever they occur in this act, the words "*The year ending the thirtieth day of June of the year for which such franchise tax is payable;*" and this act shall be so read and all reports required to be made by such corporation for the purpose of the ascertainment of its gross transportation receipts and the assessment of the annual State franchise tax payable by such corporation shall be made to the State Corporation Commission on or before the fifteenth day of August of each year.

We request that you request the legislature to permit the introduction of this bill, and to pass it with the amendment suggested, making it an emergency act so as to be operative for 1927.

Yours respectfully,

LOUIS S. EPES,
BERKLEY D. ADAMS,
LESTER HOOKER.

STATE CORPORATION COMMISSION,

RICHMOND, VA., *April 5, 1927.*

To His Excellency, THE HON. HARRY FLOOD BYRD,
Governor of Virginia,
Richmond, Virginia.

DEAR SIR:

At the present time the State Corporation Commission has no power to correct an error that occurs in an assessment of the physical properties of railroads or public service corporations, even though the error is patent on the face of the assessment.

The only redress the State, the locality, or the company affected by the error has, is by an appeal within thirty days after the assessment is made to the circuit court of the city of Richmond.

After consultation with some of the officials of counties and cities, the commission had prepared a bill permitting application for correction to be made first to the commission, with the right of appeal from the action of the commission to the circuit court of the city of Richmond, which is in line with the constitutional amendment proposed by the Prentis Commission.

This bill was submitted to the railroads and to about seventy of the larger public service corporations; and has met with their cordial approval, as evidenced by letters received by the commission.

At the request of the commission, SENATOR BARRON presented this bill to the Senate and has asked leave to introduce the same, the Senate has consented thereto, but as yet the consent of the House has not been given.

We believe that this bill will assist materially in securing assessment fair and just to the State, the locality, and the companies; and respectfully request that you will recommend to the legislature that the introduction of this bill be permitted and that it be passed.

Yours respectfully,

LOUIS S. EPES,
BERKLEY D. ADAMS,
LESTER HOOKER.

A message was received from the Senate by MR. BALL, who informed the House that the Senate had agreed to joint resolution allowing the introduction and consideration of a bill to empower councils of towns in the Commonwealth to appoint a trial justice in towns and prescribing the jurisdiction and compensation of such trial justice.

A message was received from the Senate by MR. BUCHANAN, who informed the House that the Senate had agreed to No. 1 Senate joint

resolution proposing amendments to section 170 of the Constitution of Virginia; in which they request the concurrence of the House.

The resolution was referred to the Committee for Courts of Justice.

MR. HALL moved to reconsider the vote by which the House rejected Senate joint resolution to allow the introduction and consideration of a bill to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed, which was agreed to.

The Senate joint resolution was agreed to—ayes, 88; nays, 0.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Milstead, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—88.

NAYS—0.

Ordered that MR. HALL inform the Senate.

MR. JONES, of *Spotsylvania*, offered the following joint resolution:

Resolved by the House of Delegates, the Senate concurring that permission be and the same is hereby granted for the introduction and consideration of a bill authorizing and empowering the State Highway Commission to construct a walkway for pedestrians upon the bridge across the Rappahannock river between Fredericksburg and Falmouth on interstate route No. 1 of the State highway system, which was agreed to—ayes, 91; nays, 0.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—91.

NAYS—0.

Ordered that MR. JONES, of *Spotsylvania*, carry the resolution to the Senate, and request their concurrence.

A message was received from the Senate by MR. SMITH who informed the House that the Senate had agreed to the joint resolution.

The bill was referred under rule 37 to the Committee on Roads and Internal Navigation.

MR. OZLIN entered a motion to reconsider the vote by which the House rejected Senate joint resolution to allow the introduction of a bill "to amend and re-enact section 2698 of the Code of Virginia as heretofor amended relating to bonds of officers."

MR. BREWER entered a motion to reconsider the vote by which the House rejected Senate joint resolution to allow the introduction of a bill "to amend and re-enact sections 2, 25, 30 and 67 of chapter 474 of the Acts of Assembly of 1926, regulating the operation of vehicles on the public highways."

A message was received from the Senate by MR. MILLS, who informed the House that the Senate had agreed to the following Senate joint resolution:

Whereas, the city of Richmond, through its mayor, J. Fulmer Bright, has declared Thursday, April 7, 1927, a legal holiday on account of the celebration of Northern Neck Day in the city of Richmond, and

Whereas, by joint resolution the Governor has been requested to declare April 7, 1927, from twelve o'clock noon, a holiday for the purpose of allowing the State officials and employees and those engaged in the service of the State at the State Capitol to participate in the exercises to be held on that date, and

Whereas, this celebration marks a period of progress and the linking together that great section known as the Northern Neck of Virginia to the Capitol of this great State and its other cities and its citizens,

Now, therefore, be it resolved, by the Senate, the House of Delegates concurring, that the General Assembly accept the invitation of the citizens of the city of Richmond through its Chamber of Commerce, and adjourn at 12 o'clock, Thursday, April 7, 1927, to allow its members, officers and other employees to attend the said celebration.

THE SPEAKER laid the resolution before the House.

The resolution was agreed to.

Ordered that MR. NORRIS inform the Senate.

MR. BROWN moved that when the House adjourn today, it adjourn to meet tomorrow at 10 o'clock A. M., which was agreed to.

The morning hour having expired the House proceeded to the business on the calendar.

No. 39. Senate bill to amend an act approved March 22, 1924, entitled, "An act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this act so far as they relate to the city of Roanoke," by adding thereto section 72, was read at length a first time.

The following House bills were read at length a first time and ordered to be printed.

No. 62. House bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

No. 63. House bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

No. 64. House bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds, therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of supervisors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity.

No. 65. House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

No. 66. House bill to amend and re-enact section 1 of chapter 7 of an act entitled, "An act to incorporate the city of Danville," approved February 17, 1890, as heretofore amended.

No. 67. House bill to amend and re-enact section 17 of an act entitled, "An act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916," approved March 14, 1924, relating to Confederate pensions.

No. 1. Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency, came up.

MR. BREWER moved that the House insist upon its amendments and request a committee of conference, which was agreed to.

Ordered that MR. BREWER inform the Senate.

A message was received from the Senate by MR. BUCHANAN, who informed the House that the Senate had concurred in the request of the House for a committee of conference.

THE SPEAKER appointed MESSRS. BREWER, BROWN and JEFFREYS, the Committee of Conference on the part of the House.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, April 5, 1927.

To the General Assembly of Virginia:

I return herewith Senate bill No. 6, entitled:

"An act to authorize the board of supervisors of counties having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties."

I approve of the general purpose of this bill, but respectfully recommend the following amendments:

Page 1, at the end of the title strike out the period, insert in lieu thereof a semicolon, and add the following words:

"to authorize such boards of supervisors to adopt all necessary regulations for carrying into effect the purposes of this act; to provide for zoning commissions and boards of zoning appeals in such counties, their powers and duties; to provide for appeals from such zoning commissions and boards of appeal and the effect thereof; to authorize such boards of supervisors to appoint administrative officers; to prescribe the powers and duties of such administrative officers; to provide for the enforcement of this act and to prescribe penalties for the violation thereof."

Page 1, section 4, third line from bottom of the page, strike out the word "dewerage" and insert in lieu thereof "sewerage."

Page 4, section 15, fourth line of second paragraph of said section, strike out the word "realtor's" and insert in lieu thereof the word "relators."

Page 5, section 18, line 7 of said section, strike out the word "proceeding" and insert in lieu thereof the word "preceding."

These changes are recommended to complete the title and correct typographical errors.

Very respectfully,

HARRY F. BYRD,
Governor.

THE SPEAKER laid the bill No. 6 Senate bill to authorize the board of supervisors of counties, having a density of population of more than five hundred per square mile according to the last United States census, to divide the area of said counties into one or more districts, and in such districts to regulate the use of land and of buildings or other structures and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures in said counties, before the House.

The House proceeded to reconsider the same.

The question being whether the House shall agree to amend the bill in accordance with the recommendation of the Governor was put and decided in the affirmative—ayes, 80; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Cole, Coleman, Doosing, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Price, Rew, Rodgers, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead,

Stickley, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

MR. JESSE moved to reconsider the vote by which the bill was amended in accordance with the recommendation of the Governor, which was rejected.

The following communication was received from the Governor.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, April 5, 1927.

To the General Assembly of Virginia:

I return herewith Senate bill No. 3, entitled:

"An act creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein."

I approve of the general purpose of this bill, but respectfully recommend the following amendments:

In the fourth line of title strike out word "districts" and insert in lieu thereof the word "district."

Page 4, section 5, line 2, strike out the word "judge" and insert in lieu thereof the word "judges."

Page 4, line 9, section 6, strike out the word "devined" and insert in lieu thereof the word "defined."

Page 6, line 6 of section 9, strike out the word "purpose" and insert in lieu thereof the word "purposes." In the same line also strike out the word "two" and insert in lieu thereof the word "one."

Very respectfully,

HARRY F. BYRD,
Governor.

THE SPEAKER laid the bill No. 3 Senate bill creating a sanitary district in Henrico county, Virginia, to provide for the construction, acquisition, maintenance and operation by said district of water supply, sewerage, light and power and gas systems by such districts. To provide for the issuance of county bonds on behalf of such district for said purposes, and to provide funds for establishing and operating such public utilities therein, before the House.

The House proceeded to reconsider the same.

The question being whether the House shall agree to amend the bill in accordance with the recommendation of the Governor was put and decided in the affirmative—ayes, 80; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Cole, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Mugler, Nickles, Norris, Page, Price, Ramey, Rew, Rodgers, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren,

L. E., Watts, Weeks, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

MR. SAUNDERS moved to reconsider the vote by which the bill was amended in accordance with the recommendation of the Governor which was rejected.

The following Senate bills were read at length a third time and passed.

No. 31. Senate bill to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor, for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county—ayes, 80; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Malbon, Milstead, Moffett, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

No. 19. Senate bill to authorize the town of Wakefield, in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00), and to issue the bonds of the town therefor, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town; providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue—ayes, 83; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Malbon, Mason, Milstead, Moffett, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—83.

NAYS—0.

No. 26. Senate bill authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the 4th judicial circuit—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Cole, Davis, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Malbon, Mason, Milstead, Moffett, Mugler, Nickles, Norris, Page, Price, Ramey, Rew, Saunders, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

No. 38. Senate bill permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand, and not more than one hundred and thirty-five thousand, authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured and sold, and defining the offenses and penalties for violation of the act—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cole, Coleman, Davis, Diggs, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Lyon, Malbon, Mason, Milstead, Moore, Mugler, Nickles, Norris, Page, Price, Ramey, Rew, Saunders, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

No. 24. Senate bill to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping, fishing and ranging upon the property of another, came up.

MR. SNEAD moved to amend the bill as follows:

Page 2, line 10, after the word "Bath" add "Alleghany," which was agreed to.

The amendment was ordered to be engrossed and being presently engrossed, the bill was read at length a third time and passed—ayes, 83; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Breneman, Brewer, Carter, Cato, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham,

Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—83.

NAY—0.

No. 35. Senate bill authorizing the board of supervisors of the county of Tazewell to make appropriations for the expenses of the judge of the twenty-second judicial circuit, came up.

MR. WITTEN moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 79; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Page, Price, Ramey, Rew, Saunders, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—0.

The question being shall the bill pass was put and decided in the affirmative—ayes, 75; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Ramey, Rew, Saunders, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 31, 19, 26, 24, 38 and 35 Senate bills were passed were rejected.

The following House bills, were read at length a third time and passed.

No. 46. House bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year—ayes, 78; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickles, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—Booker—1.

No. 57. House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted—ayes, 82; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—0.

No. 58. House bill to authorize the councils or other governing bodies of the cities of the Commonwealth, whose charters provide for the appointment of a city collector, to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer—ayes, 77; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Hailey, Hamner, Hicks, Horner, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Weeks, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 46, 57 and 58 House bills were passed were rejected.

MR. SMITH, of *Alexandria*, suggested the absence of a quorum whereupon THE SPEAKER ordered the roll of the House to be called and the following members answered to their names.

Adams, Allman, Barton, Bear, Bird, George, T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—98.

MR. DAVIS mentioned the illness of MESSRS. PARKER, *of Wise*, and SPEERS, and indefinite leave of absence were granted them.

A quorum being present.

No. 45. House bill to amend and re-enact subsections (b) and (c) of section 29 of an act entitled an act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith, approved March 17, 1926, was read at length a third time and rejected—ayes, 49; nays, 47.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Bird, George T., Boschen, Boyd, E. T., Brewer, Carter, Cato, Diggs, Fain, Folkes, Fuller, Gary, Hall, Hanes, Hicks, Horner, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Malbon, Mason, Massenburg, Milstead, Moffett, Mugler, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Shrader, Sinclair, Smith, C. H., Topping, Warren, C. R., Warren, L. E., Watkins, Watts, Williams, Wright, E. H., Wright, J. W., Wright, W. A.—49.

NAYS—Adams, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Coiner, Cole, Coleman, Davis, Doosing, Dovell, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Jeffreys, Jesse, Keezell, Kelly, Lyon, Moore, Nickles, Ramey, Shepherd, Smith, H. T., Smith, J. S., Snead, Stickley, Tuck, Vellines, Waller, Warren, Geo. M., Weeks, Wesson, Wood, Young, Mr. Speaker—47.

MR. WITTEN stated that he would have voted aye but was paired with MR. PARKER, *of Wise*.

MR. JONES, *of Highland*, stated that he inadvertently voted in the affirmative and that it was his purpose to have voted in the negative.

MR. TAYLOR stated that it was his purpose to have voted in the affirmative, but that he was not recorded as having voted at all.

MR. VELLINES stated that he inadvertently voted in the negative when it was his purpose to have voted in the affirmative.

The following Senate bills were read at length a second time:

No. 33. Senate bill to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended.

No. 34. Senate bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands

marshes, meadows and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 37. Senate bill providing for the exercise of the police powers of cities of the first class by counties having a population of more than five hundred per square mile over public service corporations using the streets, roads, alleys, and other public places in such counties.

No. 40. Senate bill to amend and re-enact an act entitled "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 42. Senate bill to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and collection of a tax for the payment of the interest thereon and the principal thereof at maturity.

No. 25. Senate bill to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax, known as Motley's Corner, to the corporate limits of South Boston.

No. 29. Senate bill making it a misdemeanor to drive an automobile or any other vehicle over or upon, or to injure or destroy any hose or equipment of a fire company and prescribing penalties therefor in the counties of Arlington, Prince William and Fairfax.

No. 30. Senate bill giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William and Fairfax counties.

No. 16. Senate bill to amend and re-enact an act of the General Assembly approved March 26, 1926, entitled "An act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto."

No. 5. Senate bill to authorize the board of visitors of the Virginia School for the Deaf and the Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school.

No. 36. Senate bill to authorize a school census in Martinsville district, Reed Creek district and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five.

No. 41. Senate bill to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency.

No. 43. Senate bill to amend and re-enact an act entitled "An act to amend and re-enact section 1 of an act approved March 20, 1920,

entitled an act in relation to local school taxes; and repealing section 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 59. House bill to amend and re-enact section 777 of the Code of Virginia, in relation to city school boards.

No. 60. House bill to amend and re-enact section twenty-eight (28) of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924.

No. 61. House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it.

The calendar having been completed, the morning hour was resumed.

House bill to amend and re-enact subsection (e) of section 29 of an act entitled an act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith, approved March 17, 1926, was presented by MR. BREWER and referred under rule 37 to the Committee on Roads and Internal Navigation.

MR. BREWER moved to discharge the Committee on Roads and Internal Navigation from the consideration of the bill which was agreed to—ayes, 82; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moore, Mugler, Nickles, Norris, Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—0.

The bill No. 68 was placed on the calendar.

The calendar being resumed, MR. BREWER moved to dispense with the printing and several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 91; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moore, Mugler, Nickles, Norris, Page, Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—91.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 90; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Diggs, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Milstead, Moffett, Moore, Mugler, Nickles, Norris, Page, Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watkins, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—90.

NAYS—0.

MR. BREWER moved to reconsider the vote by which the bill was passed, which was rejected.

All other business having been suspended, THE SPEAKER, in the presence of the House, signed the following bills, which had been passed by both houses and duly enrolled, the titles of said bills having been publicly read.

No. 1. House bill to provide for submission to the people for approval and ratification the proposed amendments to section 22, section 170, and section 186 of the Constitution of Virginia.

No. 3. House bill to authorize and empower the board of supervisors of the county of Norfolk to borrow money by the issuance of bonds in a sum not to exceed two hundred and fifty thousand dollars (\$250,000.00) for the purpose of building and improving roads and bridges in the said county and to pay certain debts heretofore incurred in building and improving roads and bridges in the said county; to sell the said bonds and to provide for their payment, and to authorize the commission of roads and bridges to expend the said funds when appropriated to it by the said board of supervisors.

No. 4. House bill to amend and re-enact sections 1 and 17 of an act entitled an act to provide for opening of new roads and building bridges, and working and keeping in repair the public roads and

bridges in Rockbridge county, approved March 3, 1894, as heretofore amended.

No. 5. House bill to amend and re-enact section 7 of an act to create a State Highway Commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State Highway Commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation; also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State Highway Commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation, the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State, and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act, approved March 24, 1922, as heretofore amended and re-enacted by an act approved March 21, 1924.

No. 6. House bill to amend the Code of Virginia by adding thereto a new section, to be numbered section 1771-a, which new section relates to the sale of land for delinquent drainage assessments; to redemption of, and deeds for lands so sold.

No. 7. House bill to amend an act entitled an act to incorporate the town of Graham, in the county of Tazewell, approved January 28, 1884, as amended by an act approved March 10, 1910 (the name of the said town of Graham, Virginia, was changed to Bluefield, Virginia, by an act approved March 14, 1924), by adding thereto a new section to be numbered section 11.

No. 10. House bill to amend and re-enact section 13 of an act entitled an act to provide a new charter for the town of Pulaski, Virginia and to repeal all acts in conflict therewith, which was approved by the General Assembly of Virginia on March 16, 1910, as amended by an act approved by the General Assembly of Virginia on February 28, 1920.

No. 11. House bill to amend the charter of the town of Lexington, same being an act approved April 28, 1874, entitled "an act to provide a charter for the town of Lexington," by adding a new section thereto, to be known as section 21-a, providing for the issuance of notes, certificates of indebtedness, revenue bonds, or other obligations in anticipation of the collection of the revenue of said town, for the then current year.

No. 12. House bill to authorize the city of Hopewell to construct a drawbridge across the Appomattox river at the said city; to enter into contracts for the construction of the said bridge; and to authorize the said city to provide for the operation and maintenance of the said bridge.

No. 14. House bill to authorize the council of the town of Vinton in Roanoke county to levy a tax for the purpose of providing funds for the purchase of a high school site in said town.

No. 7. Senate bill authorizing the boards of supervisors of the counties of Halifax, Mecklenburg and Lunenburg to make appropriations for the expenses of the judge of the 34th judicial circuit.

No. 10. Senate bill to authorize the town of Virginia Beach to construct a walkway and/or bulkhead along Ocean avenue in said town to prevent erosion of the said avenue by the waters of the sea; and to provide a convenient promenade for the public thereon; to authorize the council of the town of Virginia Beach to borrow money by the issuance of bonds in a sum not exceeding \$250,000.00 for the construction of said walkway, and/or bulkhead; and to declare an emergency necessitating said construction.

No. 12. Senate bill to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 20, 1922, relating to the pay of clerks of boards of supervisors.

No. 14. Senate bill to amend and re-enact section 2770 of the Code of Virginia, relating to clerks of boards of supervisors.

On motion of MR. BROWN, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

THURSDAY, APRIL 7, 1927

Prayer by Rev. Cary Barker, Evangelist, Lynchburg, Virginia.

On motion of MR. PARKER, *of Bedford*, the reading of the journal was dispensed with.

THE SPEAKER and clerk signed the journal as provided by rule 3.

A communication from the Senate by their clerk, was read as follows:

In Senate, April 6, 1927.

The Senate has agreed to the amendment proposed by the House of Delegates to Senate amendment to House bill entitled an act to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors and their com-

pensation; to prohibit violations of this act and to prescribe penalties therefor, No. 22; and they have passed Senate bills entitled an act to amend the tax bill, as heretofore amended, by adding thereto a new section to be numbered and known as section 11½, in relation to taxes on capital and on other in tangible personal property and on incomes; and to amend and re-enact subsection 15 of section 10 of the tax bill, as heretofore amended, in relation to the collection of taxes, No. 22; and an act to release the United States of America from all claims for damages to the oyster or other public interest of the Commonwealth of Virginia by reason of the re-location of the improved channel of James river by the United States extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point, No. 50; in which they request the concurrence of the House of Delegates.

No. 22. Senate bill was referred to the Committee on Finance.

No. 50. Senate bill was referred to the Committee on Appropriations.

No. 48. Senate bill to amend and re-enact section 5873 of the Code of Virginia; as heretofore amended, in relation to a special court of appeals; having been considered by the committee in session was reported from the Committee for Courts of Justice.

No. 46. Senate bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00 for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature; having been considered by the committee in session was reported from the Committee on Schools and Colleges.

No. 44. Senate bill to amend and re-enact sections 99, 108, 129, 136 and 137, of an act to provide a new charter for the town of Blackstone, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted; having been considered by the committee in session was reported from the Committee on Counties, Cities and Towns

No. 45. Senate bill to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00), and to issue bonds of the said county therefor, for the purpose of constructing two public roads in Stanardsville and Monroe magisterial districts of said county, on extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spottswood Trail by way of Geer to a fork in the road above J. A. Williams'; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

No. 69. House bill concerning bonds, notes or other interest-bearing obligations issued by any county, or by or on behalf of any district of any county, or by or on behalf of any school board of any

county, or by or on behalf of any school district in any county; having been considered by the committee in session was reported from the Committee on Finance.

No. 70. House bill to amend and re-enact section 2 of an act entitled "an act to provide increased Confederate pensions," approved March 13, 1926; having been considered by the committee in session was reported from the Committee on Appropriations.

The following House bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns.

No. 71. House bill to amend and re-enact sections Nos. 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902.

No. 72. House bill to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation.

No. 73. House bill to amend and re-enact section 23 of an act entitled "an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924.

No. 74. House bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery.

No. 75. House bill authorizing and empowering the State Highway Commission to construct a walkway for pedestrians upon the bridge across the Rappahannock river between Fredericksburg and Falmouth on interstate route number 1 of the State highway system; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

MR. OZLIN offered the following joint resolution:

Resolved by the House of Delegates, the Senate concurring that permission be given for the introduction of a bill authorizing the State Highway Commission to oil highways in counties and towns upon request of the proper authorities thereof and upon payment of the cost thereof, which was agreed to—ayes, 76; nays, 0.

The vote required by the joint order, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Pierce, Price, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Topping, Tuck,

Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Mr. Speaker—76.
NAYS—0.

Ordered that MR. BEAR carry the resolution to the Senate and request their concurrence.

House bill authorizing the board of supervisors of Lee county to borrow \$40,000 for road purposes and to issue bonds therefor, was presented by MR. STICKLEY and referred under rule 37 to the Committee on Special, Private and Local Legislation.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bill were read at length a first time.

No. 48. Senate bill to amend and re-enact section 5873 of the Code of Virginia, as heretofore amended, in relation to a special court of appeals.

No. 46. Senate bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00 for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

No. 44. Senate bill to amend and re-enact sections 99, 108, 129, 136 and 137, of an act to provide a new charter for the town of Blackstone, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 45. Senate bill to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00), and to issue bonds of the said county therefor, for the purpose of constructing two public roads in Stanardsville and Monroe magisterial districts of said county, one extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spotswood Trail by way of Geer to a fork in the road above J. A. Williams'.

The following House bills were read at length a first time and ordered to be printed.

No. 69. House bill concerning bonds, notes or other interest-bearing obligations issued by any county, or by or on behalf of any district of any county, or by or on behalf of any school board of any county, or by or on behalf of any school district in any county.

No. 70. House bill to amend and re-enact section 2 of an act entitled "an act to provide increased Confederate pensions," approved March 13, 1926.

No. 71. House bill to amend and re-enact sections Nos. 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902.

No. 72. House bill to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain

real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation.

No. 73. House bill to amend and re-enact section 23 of an act entitled "an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924.

No. 74. House bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery.

No. 75. House bill authorizing and empowering the State Highway Commission to construct a walkway for pedestrians upon the bridge across the Rappahannock river between Fredericksburg and Falmouth on interstate route number 1 of the State highway system.

The amendments proposed by the Senate to the following House bills were concurred in.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect—ayes, 60; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Coiner, Coleman, Doosing, Dovell, Folkes, Graham, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, C. A. Jones, E. B., Jones, J. P., Keezell, Massenburg, Milstead, Moffett, Moore, Norris, Parker, W. A., Price, Ramey, Rew, Savedge, Sebrell, Shrader, Sinclair, Smith, H. T., Snead, Stickley, Taylor, Topping, Tuck, Warren, C. R., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—60.

NAYS—Pierce—1.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia, as amended by an act approved March 25, 1926, which said section is in chapter 109 of the said Code on the subject of boards of supervisors, especially relating to the county of Russell—ayes, 64; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Folkes, Fuller, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Mason, Massenburg, Milstead, Moore, Nickles, Pierce, Price, Ramey, Rew, Savedge, Sebrell, Shrader, Sinclair, Snead, Stickley, Taylor, Topping, Warren, Geo. M., Watkins, Watts, Weeks, Williams, Wood, Wright, J. W., Young, Mr. Speaker—64.

NAYS—0.

No. 26. House bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia, in relation to oysters and clams—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Snead, Stickley, Taylor, Tuck, Warren, C. R., Warren, Geo. M., Watkins, Watts, Weeks, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—73.

NAYS—0.

Motions severally made to reconsider the vote by which the amendments proposed by the Senate to Nos. 16, 20 and 26 House bills were concurred in, were rejected.

The following Senate bills were read at length a third time and passed.

No. 34. Senate bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines—ayes, 63; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, George, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jones, C. A., Jones, E. B., Kelly, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Warren, C. R., Warren, Geo. M., Watkins, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—63.

NAYS—0.

No. 37. Senate bill providing for the exercise of the police powers of cities of the first class by counties having a population of more than five hundred per square mile, over public service corporations using the streets, roads, alleys, and other public places in such counties—ayes, 66; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Jesse, Jones, C. A., Jones, E. B., Keezell, Kelly, Malbon, Massenburg, Milstead, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Warren, C. R., Warren, Geo. M., Watkins, Watts, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—66.

NAYS—0.

No. 40. Senate bill to amend and re-enact an act entitled "An act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926—ayes, 66; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, E. B., Kelly, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Page, Parker, W. A., Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—66.

NAYS—Bowles—1.

No. 42. Senate bill to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and collection of a tax for the payment of the interest thereon and the principal thereof at maturity—ayes, 65; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Fuller, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, E. B., Keezell, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Parker, W. A., Pierce, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Stickley, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—65.

NAYS—0.

No. 25. Senate bill to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax, known as Motley's Corner, to the corporate limits of South Boston—ayes, 63; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Coleman, Diggs, Doosing, Dovell, George, Graham, Graves, Hailey, Hamner, Hicks, Jesse, Jones, C. A., Jones, E. B., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Stickley, Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—63.

NAYS—Savedge—1.

No. 29. Senate bill making it a misdemeanor to drive an automobile or any other vehicle over or upon, or to injure or destroy any hose or equipment of a fire company and prescribing penalties therefor in the counties of Arlington, Prince William and Fairfax—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, E. B., Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rodgers, Shepherd, Shrader, Sinclair, Smith,

H. T., Smith, J. S., Snead, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

No. 5. Senate bill to authorize the board of visitors of the Virginia School for the Deaf and the Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school.—ayes, 68; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Ramey, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Topping, Tuck, Warren, Geo. M., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

No. 41. Senate bill to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency—ayes, 62; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Breneman, Brewer, Bruce, Carter, Coiner, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Malbon, Mason, Massenburg, Milstead, Moffett, Nickles, Pierce, Ramey, Rodgers, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Waller, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—62.

NAYS—0.

No. 43. Senate bill to amend and re-enact an act entitled "An act to amend and re-enact section 1 of an act approved March 20, 1920, entitled an act in relation to local school taxes; and repealing section 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926—ayes, 65; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, George, Graham, Graves, Hamner, Harman, Hicks, Horner, Jeffreys, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Snead, Topping, Tuck, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—65.

NAYS—0.

No. 33. Senate bill to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended, came up.

MR. FOLKES moved to strike out section "28-a" in bill and title which was agreed to. The amendments were ordered to be engrossed, and being presently engrossed, the bill was read at length a third time and passed—ayes, 68; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, George, Graham, Graves, Hailey, Hamner, Harman, Hicks, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Saunders, Savedge, Sebrell, Shepherd, Shrader, Smith, H. T., Snead, Taylor, Tuck, Warren, C. R., Watkins, Watts, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—68.

NAYS—0.

No. 30. Senate bill giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William and Fairfax counties, came up.

MR. SINCLAIR moved to amend by striking out the words "Prince William" in the bill and in title, which was agreed to.

The amendment was ordered to be engrossed and being presently engrossed, the bill was read at length a third time and passed—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Diggs, Doosing, Dovell, Folkes, Fuller, Gary, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Taylor, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Young, Mr. Speaker—73.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 33, 34, 37, 40, 42, 25, 29, 30, 5, 41 and 43 Senate bills were passed, were rejected.

The following House bills were read at length a third time and passed.

No. 60. House bill to amend and re-enact section twenty-eight (28) of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September, 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924—ayes, 82; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter,

Cato, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—0.

No. 61. House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it—ayes, 75; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sebrell, Shepherd, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, C. R., Warren, Geo. M., Watkins, Watts, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, W. A., Mr. Speaker—75.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 60 and 61, House bills were passed, were rejected.

No. 63. House bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00 for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature, was on motion of MR. MOORE dismissed.

No. 39. Senate bill to amend an act approved March 22, 1924, entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of act inconsistent with this act, so far as they relate to the city of Roanoke, by adding thereto section number 72, was read at length a second time.

The following House bills having been printed, were read at length a second time and ordered to be engrossed.

No. 62. House bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

No. 64. House bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of super-

visors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity.

No. 65. House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money, not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

No. 66. House bill to amend and re-enact section 1 of chapter 7 of an act entitled an act to incorporate the city of Danville, approved February 17, 1890, as heretofore amended.

No. 67. House bill to amend and re-enact section 17 of an act entitled "an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916," approved March 14, 1924, relating to Confederate pensions.

All other business having been suspended, THE SPEAKER, in the presence of the House, signed the following bills, which had been passed by both houses and duly enrolled, the titles of said bills having been publicly read.

No. 2. House bill authorizing the James River Bridge Corporation, its successors and assigns to construct, maintain and operate bridges and approaches thereto across the James river, Chuckatuck creek and Nansemond river.

No. 13. House bill to authorize the Military Board of the Commonwealth to exchange, by conveyance, a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand (\$12,000.00) dollars in addition thereto, upon such conditions as the State Military Board may deem advisable; to authorize the military board to use the said sum of twelve thousand (\$12,000.00) dollars for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board heretofore taken in connection with the exchange herein authorized, and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926.

No. 35. Senate bill authorizing the board of supervisors of the county of Tazewell to make appropriations for the expenses of the judge of the 22nd judicial circuit.

On motion of MR. REW, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

FRIDAY, APRIL 8, 1927

Prayer by Rev. John J. Parsons, pastor Keysville Baptist Church, Keysville, Virginia.

On motion of MR. BREWER the reading of the journal was dispensed with.

THE SPEAKER and clerk signed the journal as provided by rule 3.

A communication from the Senate by their clerk was read as follows:

In Senate, April 7, 1927.

The Senate has agreed to House joint resolution permitting the introduction of a bill authorizing the State Highway Commission to oil highways in counties and towns upon request of the proper authorities thereof and upon payment of the cost thereof.

They have concurred in an amendment proposed by the House of Delegates to Senate bill entitled "an act to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping, fishing and ranging upon the property of another, No. 24.

They have agreed with amendments to House joint resolution proposing amendment to the Constitution of Virginia, No. 1.

They have passed with amendments House bills entitled an act to amend and re-enact section 3293 of the Code of Virginia, regulating the taking of clams, No. 23; and an act to provide for the appointment of a Commission to investigate and survey the sea food industry of Virginia, and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect, No. 41. They have agreed to Senate joint resolution of the services of General C. C. Vaughan, that the bridge across the Nottoway river between Franklin and Murfreesboro in Southampton county on route No. 121 of the highway, shall be known as the General C. C. Vaughan Bridge. And they have passed Senate bills entitled an act to authorize the boards of supervisors of the counties of Craig and Smyth to issue bonds or other obligations of their said counties on behalf of their said counties for the purpose of providing funds for the payment of the pro rata share of the counties of Craig and Smyth towards the initial cost of the district home for the poor for said counties to be purchased and erected in conjunction with other counties. Said loans to be secured by deeds of trust on the poor farms now owned by said counties of Craig and Smyth and to authorize the board of supervisors in said counties to levy along with the county levy in their respective counties a sufficient tax to pay the interest on said loans and to pay the said principal debt out of the proceeds of sale of said poor farms when sold. The loan to be made by the board of supervisors of Craig county not to exceed \$2,000.00 and the loan made by the board of supervisors of Smyth county not to exceed \$8,000.00, No. 47; an act to authorize a school census in Elk Creek district, Wilson district, Old Town district and Providence district of Grayson county, Virginia, to be in lieu of the regular quin-

quennial census taken in said districts in nineteen hundred and twenty-five, No. 49; an act authorizing the board of supervisors of Carroll county to appropriate and expend money to construct and maintain a certain road in Grayson county known as the "Snow Hill Road," No. 51; an act to amend section 2 of an act approved February 7, 1896, entitled an act to incorporate the town of Saltville and to repeal an act entitled "an act to incorporate the town of Saltville" approved March 8, 1894, No. 52; an act to amend and re-enact section 17 of an act entitled, "an act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let the contract of the roads of said county, and levy a tax to keep the same in said repair, as amended by an act approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively, January 22, 1898, March 7, 1900, as amended by an act approved March 11, 1906, and as amended by an act approved March 15, 1910, and further amended by an act approved March 24, 1920, and further amended by an act approved March 24, 1922, and the purchase road machinery, implements, tools and so-forth, pay of supervisors, clerk and duties of each, prescribing penalties and so-forth, and to repeal all special acts in conflict herewith," approved March 7, 1924, No. 53; and an act to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed, No. 54. In which they request the concurrence of the House of Delegates.

Nos. 23 and 41 House bills were on motions severally made placed on the calendar.

Nos. 47 and 52 Senate bills were referred to the Committee on Counties, Cities and Towns.

No. 49 Senate bill was referred to the Committee on Schools and Colleges.

Nos. 53 and 51 Senate bills were referred to the Committee on Roads and Internal Navigation.

No. 54. Senate bill was referred to the Committee on Privileges and Elections.

No. 50. Senate bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the re-location of the improved channel of James river by the United States extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point; having been considered by the committee in session was reported from the Committee on Appropriations.

No. 22. Senate bill to amend the tax bill, as heretofore amended, by adding thereto a new section to be numbered and known as section 11½. In relation to taxes on capital and on other intangible personal property and on incomes; and to amend and re-enact subsection 15 of section 10 of the tax bill, as heretofore amended, in relation to

the collection of taxes; having been considered by the committee in session was reported from the Committee on Finance, with amendments.

No. 1. Senate joint resolution proposing amendment to section 170 of the Constitution of Virginia, having been considered by the committee in session was reported from the Committee for Courts of Justice.

No. 76. House bill to amend and re-enact an act entitled "an act to provide that no person, otherwise entitled to attend any public high school in the counties of Amherst, Nelson, Louisa, Tazewell, Fluvanna, Goochland, Dinwiddie and Campbell, shall be denied such privilege because of the nonpayment by him or her, or some one for him or her, of any tuition charge," approved March 24, 1926, so as to bring the counties of Prince Edward and Cumberland under the provisions of this act; having been considered by the committee in session was reported from the Committee on Schools and Colleges.

House bill authorizing the board of supervisors of Lee county to borrow \$40,000 for road purposes, and to issue bonds therefor; having been considered by Joint Committee on Special, Private and Local Legislation was returned to the House with the following report:

The Joint Committee on Special, Private and Local Legislation respectfully reports that in their opinion the object of the within bill cannot be reached by general law or court proceedings.

SAMUEL R. CARTER, *Chairman*.

The bill was referred to the Committee on Roads and Internal Navigation.

THE SPEAKER laid before the House Senate joint resolution as follows:

Be it resolved by the Senate, the House of Delegates concurring, that consent be, and the same is hereby given, for the introduction and consideration of a bill entitled "a bill validating the recordation of mechanics liens in mechanics' lien books," which was agreed to—ayes, 75; nays, 4.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Coiner, Cole, Coleman, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hammer, Hanes, Harman, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Malhon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Pierce, Ramey, Rodgers, Savedge, Sebrell, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Barton, Carter, Kelly, Parker, W. A.—4.

Ordered that MR. DOVELL inform the Senate.

THE SPEAKER laid before the House Senate joint resolution:

Be it resolved by the Senate, the House of Delegates concurring, that consent be, and it is hereby, given for the introduction and consideration of a bill entitled "a bill to empower councils of towns

in the Commonwealth to appoint a trial justice in towns, and prescribing the jurisdiction and compensation of such trial justice," which was rejected—ayes, 54; nays, 7.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Coiner, Cole, Doosing, Fain, Folkes, Gary, George, Graham, Graves, Hailey, Hamner, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Sebrell, Sinclair, Snead, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wesson, Wood, Wright, W. A., Young—54.

NAYS—Bolton, Kelly, Parker, W. A., Pierce, Ramey, Rodgers, Stickley—7.

MR. BEAR moved to reconsider the vote by which the House rejected the resolution, which was agreed to.

The Senate joint resolution was rejected—ayes, 67; nays, 3.

The vote required by the joint order was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Topping, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wesson, Witten, Wood, Wright, E. H., Wright, W. A.—

NAYS—0.

MR. HICKS offered the following House joint resolution.

Be it resolved by the House of Delegates, the Senate concurring, that consent be, and the same is hereby given, for the introduction and consideration of a bill entitled, "a bill to amend and re-enact section twenty-six hundred and ninety of the Code of Virginia, relating to the rearrangement of magisterial districts and the judgment to be entered in proceedings therefor," which was rejected—ayes, 53; nays, 8.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Breneman, Brewer, Carter, Coiner, Coleman, Davis, Dovell, Fain, Folkes, Gary, Gordon, Graham, Graves, Hicks, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Rodgers, Sebrell, Shrader, Sinclair, Snead, Stickley, Topping, Tuck, Vellines, Waller, Warren, L. E., Watts, Wright, W. A., Young, Mr. Speaker—53.

NAYS—Boyd, I. C., Doosing, Horner, Kelly, Pierce, Price, Savedge, Warren, Geo. M.—8.

MR. HICKS offered the following House joint resolution.

Be it resolved by the House of Delegates, the Senate concurring, that consent be, and the same is hereby given, for the introduction and consideration of a bill entitled, "a bill to amend and re-enact section forty-nine hundred and eighty-eight of the Code of Virginia as heretofore amended, relating to trial justices in the several counties of the State as heretofore amended by acts approved March sixteenth,

nineteen hundred and twenty, and March twenty-fifth, nineteen hundred and twenty-six," which was rejected—ayes, 66; nays, 0.

The vote required by the joint order was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Coiner, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Hicks, Jeffreys, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Massenburg, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Rodgers, Savedge, Sebrell, Shrader, Sinclair, Smith, H. T., Snead, Stickley, Topping, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Witten, Wright, J. W., Wright, W. A., Young, Mr. Speaker—66.

NAYS—0.

THE SPEAKER laid before the House the following Senate joint resolution:

Resolved by the Senate, the House of Delegates concurring, that in recognition of the distinguished services rendered the State of Virginia by General C. C. Vaughan, and as an expression of appreciation and esteem, the bridge across the Nottoway river between Franklin and Murfreesboro in Southampton county on route number one hundred and twenty-one of the State highway system, shall be known as the General C. C. Vaughan Bridge, which was agreed to.

Ordered that MR. SEBRELL inform the Senate.

No. 1. House joint resolution proposing amendments to the Constitution, came up.

The amendments proposed by the Senate were rejected—ayes, 0; nays, 73.

The vote required by the Constitution was recorded as follows:

AYES—0.

NAYS—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jordan, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Snead, Stickley, Vellines, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

Ordered that MR. PRICE inform the Senate.

A message was received from the Senate by MR. GUNN, who informed the House that the Senate insists on its amendments, and requests a committee of conference.

MR. PRICE moved that the House accede to the request of the Senate for a committee of conference, which was agreed to.

THE SPEAKER appointed MEESRS. PRICE, NICKLES and TOPPING, the committee of conference on the part of the House.

THE SPEAKER laid before the House No. 1 Senate joint resolution, proposing amendment to section 170 of the Constitution of Virginia, as follows:

Resolved, by the Senate, the House of Delegates concurring (a majority of the members elected to each house agreeing), That the

following amendment to section one hundred and seventy of the Constitution of Virginia be, and the same is hereby, proposed and referred to the General Assembly at its regular session held after the next general election of members of the House of Delegates for its concurrence, in conformity with the provisions of section one hundred and ninety-six of the said Constitution, namely:

Strike out from the Constitution of Virginia section one hundred and seventy and insert in lieu thereof the following:

Section 170. Income, license and franchise taxes; paving and sewer taxes; abutting landowners.—The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the ad valorem system; and may impose State franchise taxes, and in imposing a franchise tax, may make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation, except where otherwise provided in this Constitution. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however, invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed.

(1) Any city or town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, may provide for special taxes or assessments upon abutting landowners for the making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, and the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such landowners.

(2) General ordinances may also be enacted by cities and towns and counties having a population greater than five hundred inhabitants per square mile as shown by the last United States census providing for special taxes or assessments against properties which are specially and peculiarly benefited by public local improvements other than those mentioned in subsection one (1) foregoing, made by such cities, towns and counties.

But under subsection two (2) of this section, no city, town or county having a population greater than five hundred inhabitants per square mile as shown by the last United States census shall exercise the authority so to assess such properties specially and peculiarly benefited until the provisions of a general ordinance authorizing the same shall be adopted by such city, town or county having a population greater than five hundred inhabitants per square mile, as shown by the last United States census, by a vote of a majority of the qualified voters thereof voting thereon at an election, held for the purpose, nor shall such tax or assessment, other than that provided for in subsection one (1), be imposed, unless and until at least two-thirds in interest (as ascertained from assessed taxable values) of the owners of the properties so to be assessed shall, in writing, request such assessment.

The aggregate of taxes or assessments imposed under this section shall not exceed two-thirds of the total cost of such improvement.

No such taxes or assessments shall be imposed by a city, town or county having a population greater than five hundred inhabitants per aquare mile, as shown by the last United States census, except as authorized by this section.

Except in cities and towns, and counties having a population greater than five hundred inhabitants per aquare mile, as shown by the United States census, no such taxes or assessments for local public improvements shall be imposed upon any landowner, which was agreed to—ayes, 58; nays, 17.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, W. W., Bolling, Bolton, Bowles, Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Gary, George, Graham, Hall, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Keezell, Lyon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Saunders, Sinclair, Smith, C. H., Snead, Speers, Stickley, Topping, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Wright, J. W., Wright, W. A., Mr. Speaker—58.

NAYS—Bird, George T., Boschen, Boyd, E. T., Coleman, Folkes, Fuller, Gordon, Graves, Hicks, Jones, J. P., Jordan, Pierce, Rodgers, Savedge, Shepherd, Shrader, Wood—17.

MR. PRICE moved to reconsider the vote by which the joint resolution was agreed to, which was rejected.

MR. PRICE offered the following joint resolution:

Resolved, by the House of Delegates, the Senate concurring, that the General Assembly shall proceed at 12:30 o'clock to-day to the election of the following judges:

Judge of the law and equity court, part 11, of the city of Richmond, to fill the vacancy occasioned by the death of judge Joseph C. Taylor;

Judge of the court of law and chancery of the city of Roanoke, to fill the vacancy for the regular term, beginning February 1, 1927;

Judge of the 20th judicial circuit, to fill the vacancy occasioned by the resignation of judge Herbert B. Gregory;

Judge of the 25th judicial circuit, to fill the vacancy occasioned by the resignation of judge T. N. Haas;

Judge of the 22nd judicial circuit, to fill the vacancy occasioned by the death of judge Fulton Kegley; and that in the execution of the joint order nominations shall be made for the whole number in the order hereinbefore named, and that each house shall be notified of said nominations, when the roll shall be called for each in the order named and when the roll shall have been called for the whole number the presiding officer of each house shall appoint a committee of three, which together shall constitute the joint committee to count the joint vote in each case and report the results to their respective houses, which was agreed to.

Ordered that MR. PRICE carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. WILLIS, who informed the House that the Senate had agreed to the joint resolution.

The hour of 12:30 o'clock P. M. having arrived, ordered that MR. PRICE inform the Senate that the House is ready on its part to proceed to the execution of the joint resolution.

A message was received from the Senate by MR. WILLIS, who informed the House that the Senate was ready on its part to proceed to the execution of the joint resolution.

MR. BOSCHEN nominated Frank T. Sutton, Jr. for judge of the law and equity court part 2 of the city of Richmond to fill the vacancy caused by the death of Judge Joseph C. Taylor.

MR. WRIGHT, of *Roanoke City*, nominated Herbert B. Gregory for judge of the court of law and chancery of the city of Roanoke to fill the vacancy for the regular term beginning February 1, 1927.

MR. BROWN nominated T. L. Keister for judge of the twentieth judicial circuit to fill the vacancy caused by the resignation of judge Herbert B. Gregory.

MR. KEEZELL nominated Hiram W. Bertram for judge of the twenty-fifth judicial circuit, to fill the vacancy caused by the resignation of Judge T. N. Haas.

MR. WITTEN nominated Archibald C. Buchanan for judge of the twenty-second judicial circuit to fill the vacancy caused by the death of Judge Fulton Kegley.

Ordered that MR. HALL inform the Senate that the following nominations had been made by the House:

Judge of the law and equity court part 2 of the city of Richmond—Frank T. Sutton, Jr.

Judge of the court of law and chancery of the city of Roanoke—Herbert B. Gregory.

Judge of the twentieth judicial circuit—T. L. Keister.

Judge of the twenty-fifth judicial circuit—Hiram W. Bertram.

Judge of the twenty-second judicial circuit—Arcibald C. Buchanan.

A message was received from the Senate by MR. WILLIS, who informed the House that no additional names had been added by the Senate to the list of nominations made by the House.

The roll was called and the following results:

For judge of the law and equity court part 2 of the city of Richmond, to fill the vacancy caused by the death of Judge Joseph C. Taylor.

Frank T. Sutton, Jr.....79

The vote was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks,

Horner, Jones, C. A., Jones, E. B., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—79.

For judge of the court of law and chancery of the city of Roanoke to fill the vacancy for the regular term beginning February 1, 1927.

Herbert B. Gregory.....82

The vote was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—82.

For judge of the twentieth judicial circuit to fill the vacancy caused by the resignation of Judge Herbert B. Gregory:

T. L. Keister.....79

The vote was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Snead, Speers, Stickley, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—79.

For judge of the twenty-fifth judicial circuit to fill the vacancy caused by the resignation of Judge T. N. Haas:

Hiram W. Bertram.....81

The vote was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Snead, Speers, Stickley, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—81.

For judge of the twenty-second judicial circuit to fill the vacancy caused by the death of Judge Fulton Kegley:

Archibald C. Buchanan.....83

The vote was recorded as follows:

AYES—Adams, Barton, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Mr. Speaker—83.

THE SPEAKER appointed MESSRS. SINCLAIR, FULLER and HALL, the committee on the part of the House to count and report the joint vote in each case.

The committee subsequently reported as follows:

For judge of the law and equity court part 2 of the city of Richmond to fill the vacancy caused by the death of Judge Joseph C. Taylor:

Whole number of votes cast.....109
Necessary to a choice..... 55
Frank T. Sutton, Jr. received.....109

For judge of the court of law and chancery of the city of Roanoke, to fill the vacancy for the regular term beginning Feb. 1, 1927.

Whole number of votes cast.....109
Necessary to a choice..... 55
Herbert B. Gregory received.....109

For judge of the twentieth judicial circuit to fill the vacancy caused by the resignation of Judge Herbert B. Gregory:

Whole number of votes cast.....109
Necessary to a choice..... 55
T. L. Keister received.....109

For judge of the twenty-fifth judicial circuit to fill the vacancy caused by the resignation of Judge T. N. Haas:

Whole number of votes cast.....112
Necessary to a choice..... 57
Hiram W. Bertram received.....112

For judge of the twenty-second judicial circuit to fill the vacancy caused by the death of Judge Fulton Kegley:

Whole number of votes cast.....114
Necessary to a choice..... 58
Archibald C. Buchanan received.....114

Frank T. Sutton, Jr. Herbert B. Gregory, T. L. Keister, Hiram W. Bertram, and Archibald C. Buchanan, having received all of the votes cast were declared by the SPEAKER duly elected judges of the courts for which they were respectively nominated and elected.

House bill to amend and re-enact sections 18 and 19 of the tax bill, as heretofore amended, in relation to the taxation of bank stock relating to the city of Hampton, was presented by MR. MASSENBURG and referred under rule 37 to the Committee on Special, Private and Local Legislation.

MR. BROWN moved that when the hour of 2 o'clock P. M. arrived that the chair be vacated until 8 o'clock P. M. which was agreed to.

The several standing committees of the House were given permission to sit during the recess and to make their reports to the evening session.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time.

No. 50. Senate bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the re-location of the improved channel of James river by the United States extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point.

No. 22. Senate bill to amend the tax bill, as heretofore amended, by adding thereto a new section to be numbered and known as section 11½, in relation to taxes on capital and on other intangible personal property and on incomes; and to amend and re-enact subsection 15 of section 10 of the tax bill, as heretofore amended, in relation to the collection of taxes.

Amendments proposed by the Senate to the following House bills were concurred in.

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia regulating the taking of clams—ayes, 72; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Hicks, Horner, Jesse, Johnson, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Parker, W. A., Price, Rew, Rodgers, Savedge, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wesson, Wood, Wright, E. H., Wright, W. A., Mr. Speaker—72.

NAYS—0.

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia,

and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cole, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Horner, Jesse, Johnson, Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Moore, Nickles, Norris, Parker, W. A., Price, Ramey, Rew, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Topping, Tuck, Vellines, Waller, Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—69.

NAYS—0.

Motions severally made to reconsider the vote by which the amendments proposed by the Senate to Nos. 23 and 41 House bills were concurred in, were rejected.

No. 36. Senate bill to authorize a school census in Martinsville district, Reed Creek district, and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five, was read at length a third time and passed—ayes, 85; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Hicks, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Shepherd, Shrader, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—85. NAYS—0.

No. 39. Senate bill to amend an act approved March 22, 1924, entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this act, so far as they relate to the city of Roanoke, by adding thereto section number 72, came up.

MR. BEAR moved to amend the bill as follows:

Page 2, subsection 1, line 13, after the word "districts" insert the following:

"Any ordinance enacted under the authority of this act may exempt from the operation thereof any building or structure used or to be used by a public service corporation (not otherwise exempted) as to which proof shall be presented to the board of zoning appeals that the exemption of such building or structure is reasonably necessary for the convenience or welfare of the public," which was agreed to.

The amendment was ordered to be engrossed, and being presently engrossed, the bill was read at length a third time and passed—ayes, 81; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—81.

NAYS—0.

No. 16. Senate bill to amend and re-enact an act of the General Assembly approved March 26, 1926, entitled "an act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto," came up.

The amendments proposed by the Committee on Counties, Cities and Towns were agreed to.

MR. KEEZELL moved to amend the bill as follows: At the end of section 5 add: "This section shall not be construed as in any way interfering with the requirements of sections one and two as to the manner and form of publicity provided in said section," which was agreed to.

The amendments were ordered to be engrossed and being presently engrossed, the bill was read at length a third time and passed—ayes, 85; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Hicks, Horner, Jesse, Jones, E. B., Jones, J. P., Keezell, Kelly, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Tuck, Vellines, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—85.

NAYS—0.

Motions severally made to reconsider the vote by which Nos. 36, 39 and 16 Senate bill were passed were rejected.

The following House bills were read at length a third time and passed.

No. 62. House bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926,

relating to conferring degrees at the Virginia Military Institute—ayes, 79; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hamner, Harman, Horner, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Kelly, Lyon, Massenburg, Moffett, Moore, Nickles, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—0.

No. 64. House bill to authorize the county school board of Norfolk county to borrow money not in excess of forty thousand dollars and to issue its bonds therefor, for the purpose of acquiring a school site and erecting thereon a school building in Pleasant Grove magisterial district, Norfolk county, to require the board of supervisors of said county annually to levy a tax to pay interest thereon and to create a sinking fund to redeem said bonds at their maturity—ayes, 81; nays, 0

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T. Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—81.

NAYS—0.

No. 65. House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity—ayes, 85; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor,

Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—85.

NAYS—0.

No. 66. House bill to amend and re-enact section 1 of chapter 7 of an act entitled an act to incorporate the city of Danville, approved February 17, 1890, as heretofore amended—ayes, 85; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—85.

NAYS—0.

No. 67. House bill to amend and re-enact section 17 of an act entitled, "an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916," approved March 14, 1924, relating to Confederate pensions—ayes, 86; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—86.

NAYS—Breneman—1.

Motions severally made to reconsider the vote by which Nos. 62, 64, 65, 66 and 67 House bills were passed, were rejected.

No. 59. House bill to amend and re-enact section 777 of the Code of Virginia, in relation to city school boards, was on motion of MR. SMITH, *of Alexandria*, dismissed.

The following Senate bills were read at length a second time:

No. 48. Senate bill to amend and re-enact section 5873 of the Code of Virginia, as heretofore amended, in relation to a special court of appeals.

No. 46. Senate bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

No. 44. Senate bill to amend and re-enact sections 99, 108, 129, 136 and 137, of an act to provide a new charter for the town of Blackstone, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 45. Senate bill to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00), and to issue bonds of the said county therefor, for the purpose of constructing two public roads in Stanardsville and Monroe magisterial districts of said county, one extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spotswood Trail by way of Geer to a fork in the road above J. A. Williams'.

No. 69. House bill concerning bonds, notes, or other interest-bearing obligations issued by any county, or by or on behalf of any district of any county, or by or on behalf of any school board of any county, or by or on behalf of any school district in any county, having been printed, came up.

MR. KEEZELL moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 68; nay, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jesse, Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Parker, W. A., Ramey, Rew, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

The bill was ordered to be engrossed and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 69; nays, 3.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brown, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Hicks, Horner, Jesse, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Pierce, Ramey, Rodgers, Savedge, Sebrell, Shepherd, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Tuck, Warren, Geo. M., Warren, L. E., Watkins, Watts, Wesson, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—Bruce, Sinclair, Weeks—3.

No. 70. House bill to amend and re-enact section 2 of an act entitled an act to provide increased Confederate pensions, approved March 13, 1926, having been printed, came up.

MR. YOUNG moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 78; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—Harman, Saunders—2.

The bill was ordered to be engrossed and being presently engrossed the question being, shall the bill pass, was put and decided in the affirmative—ayes, 77; nays, 3.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Savedge, Shepherd, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—Saunders, Sinclair, Smith, C. H.—3.

No. 71. House bill to amend and re-enact sections 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902, having been printed, came up.

MR. GORDON moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 80; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—80.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon,

Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Young, Mr. Speaker—78.

NAYS—0.

No. 72. House bill to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation having been printed, came up.

MR. WITTEN moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 75; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Young, Mr. Speaker—75.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 80; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, J. W., Young, Mr. Speaker—80.

NAYS—0.

No. 73. House bill to amend and re-enact section twenty-three (23) of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk," approved March 20, 1924, having been printed, came up.

MR. SPEERS moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, Gordon, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—78.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 81; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—81.

NAYS—0.

No. 74. House bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery, came up.

MR. DOOSING moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 74; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—74.

NAYS—Weeks—1.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A.,

Jones, J. P., Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Snead, Stickley, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

No. 75. House bill authorizing and empowering the State Highway Commission to construct a walkway for pedestrians upon the bridge across the Rappahannock river between Fredericksburg and Falmouth on interstate route number 1 of the State highway system, having been printed, came up.

MR. JONES, of *Spotsylvania*, moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 82; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—82.

NAYS—0.

MR. JONES offered an amendment in the nature of a substitute which was agreed to.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 81; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hamner, Harman, Hicks, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—81.

NAYS—Cato, Sebrell—2.

No. 76. House bill to amend and re-enact an act entitled "an act to provide that no person, otherwise entitled to attend any public high school in the counties of Amherst, Nelson, Louisa, Tazewell, Fluvanna, Goochland, Dinwiddie and Campbell, shall be denied such privilege because of the nonpayment by him or her, or some one for him or her, of any tuition charge," approved March 24, 1926 so as to bring the counties of Prince Edward and Cumberland under the provisions of this act. .

MR. BRUCE moved to dispense with the printing and several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 74; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Jones, C. A., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Smith, C. H., Smith, J. S., Snead, Speers, Stickley, Topping, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—74.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 75; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folks, Fuller, Gary, George, Gordon, Graham, Hamner, Hanes, Harman, Hicks, Jesse, Jones, C. A., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—75.

NAYS—Graves—1.

The morning hour being resumed, MR. STICKLEY moved to discharge the Committee on Roads and Internal Navigation from the further consideration of House bill authorizing the board of supervisors of Lee county to borrow \$40,000.00 for road purposes, and to issue bonds, therefor, which was agreed to—ayes, 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, George, Graham, Graves, Hamner, Hanes, Harman, Hicks, Jesse, Jonson, Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

The bill No. 77 was placed on the calendar.

The calendar being resumed MR. STICKLEY moved to dispense with the printing and several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 76; nays, 0.

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Graham, Graves, Hamner, Harman, Hicks, Jesse, Johnson, Jones, J. P., Jordan, Keezell,

Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Snead, Speers, Stickley, Taylor, Topping, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, W. A., Young, Mr. Speaker—76.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 72; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Smith, C. H., Smith, H. T., Snead, Speers, Stickley, Taylor, Topping, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—72.

NAYS—0.

The morning hour being resumed.

MR. OZLIN moved to discharge the Committee on Roads and Internal Navigation from the further consideration of House bill authorizing the State Highway Commission to oil highways in counties and towns upon request of the proper authorities thereof and upon payment of the cost thereof, which was agreed to—ayes, 72 nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hamner, Harman, Hicks, Johnson, Jones, E. B., Jones, J. P., Keezell, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—72.

NAYS—0.

The bill No. 78 was placed on the calendar.

The calendar being resumed MR. OZLIN moved to dispense with the printing and several readings of the bill, which was agreed to—ayes, 68; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brown, Bruce, Carter, Coiner, Cole, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Harman, Hicks, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Malbon, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Rodgers, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass? was put and decided in the affirmative—ayes, 68; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Graham, Hamner, Hicks, Johnson, Jones, E. B., Jones, J. P., Jordan, Malbon, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Wesson, Witten, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

Motions severally made to reconsider the votes by which Nos. 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78 House bills were passed, were rejected.

MR. BROWN moved that the chair be vacated at 2:30 o'clock P. M. to be resumed at 8 o'clock P. M. which was agreed to.

FRIDAY, APRIL 8, 1927—NIGHT SESSION

The hour of 8 o'clock P. M. having arrived, the chair was resumed.
The morning hour was resumed.

A communication from the Senate by their clerk was read as follows:

In Senate, April 8, 1927.

The Senate has agreed to House joint resolution in relation to the appointment of a committee on motor vehicle questions.

They have agreed to amendments proposed by the House of Delegates to Senate bills entitled an act to amend and re-enact sections 19-c, 19-k, 19-r, 20, 28-a, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended, No. 33; and an act giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, Prince William, and Fairfax counties, No. 30. They have passed House bills entitled an act to amend and re-enact section 3242 of the Code of Virginia in relation to oyster ground, No. 24. An act to amend and re-enact section 3224 of the Code of Virginia in relation to oyster ground, No. 25; an act to amend and re-enact section two (2) of an act entitled an act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of

this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities, which adopt the provisions of this act, approved March 14, 1918, No. 31; an act to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year, No. 32; and act making it unlawful for any person to permit dogs to run at large in Orange and Madison, Caroline, King George, Spotsylvania, Fauquier, Westmoreland and Louisa counties during the months of May, June and July of each year, No. 33; an act to authorize the council of the city of South Norfolk to issue and sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature, No. 34; an act to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature, No. 35; an act to amend and re-enact an act entitled an act for the protection of fish in the waters of Tazewell county, approved February 27, 1926, No. 36; an act to amend and re-enact sections 2, 10 and 12 of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which is heretofore amended, No. 37; an act to amend and re-enact section nine of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof by an act approved March 5, 1900, as amended in section 9 thereof by an act approved March 9, 1910, as amended by an act approved March 21, 1923, No. 38; an act to amend and re-enact sections five and six of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section six of which was amended by an act approved March 14, 1912, No. 40; an act to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces, No. 42; an act to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding license year may be used during the first fifteen days of a current license year, No. 46; an act to amend and re-enact an act entitled an act requiring all oysters from the public rocks of the Com-

monwealth to be inspected when loading on vessels; measurements, tax, penalties; approved March 24, 1926, No. 49; an act to amend and re-enact an act entitled an act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foremen, approved March 18, 1926, No. 50; an act to amend and re-enact section 1 of an act entitled an act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 28, 1922, as amended by an act approved March 29, 1923, approved March 24, 1926, in the counties of Accomac and Northampton, No. 51; an act to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon, No. 52; an act to authorize and permit the council of the town of Phoebus to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Virginia, No. 53; an act to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds, No. 54; an act to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity, No. 56; an act to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted, No. 57; an act to amend and re-enact section 28 of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924, No. 60; an act to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it, No. 61; and an act to amend and re-enact subsection (c) of section 29 of an act entitled an act to continue the office of Motor Vehicle Commissioner;

to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith, approved March 17, 1926, No. 68. They have passed with amendments House bills entitled an act to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled an act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county, approved February 9, 1916; and further to repeal an act entitled an act requiring each local road board in the county of Surry to publish annually detailed statement showing the receipts and expenditures of public money for highway construction and maintenance in its respective magisterial districts, and providing a penalty for failure, approved March 24, 1926, No. 43; an act to incorporate the town of Boone Mill, in the county of Franklin, Virginia, No. 47; and an act to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke, approved March 22, 1924, No. 55; and they have passed Senate bills entitled an act to amend and re-enact section twenty-seven (27) and section twenty eight (28) of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, commonly designated as the "Tax Bill," as heretofore amended, No. 55; an act to empower the State Corporation Commission to make review and correction of its assessments of the value of the property of any transportation company, transmission company, or other public service corporation, and of its assessments of any tax upon such companies or their property, No. 56; an act in relation to division fences in the county of Chesterfield, No. 57; an act to amend and re-enact section 2769 of the Code of Virginia, as heretofore amended, in relation to the compensation of supervisors, No. 59; and an act validating the recordation of mechanics' liens in mechanics' lien books, and in clerk's office of hustings court, part two, of city of Richmond, No. 60; In which they request the concurrence of the House of Delegates.

Nos. 43, 47 and 55 House bills were on motions severally made placed on the calendar.

Nos. 56 and 55 Senate bills were referred to the Committee on Finance.

No. 57 and 59 Senate bill were referred to the Committee on Counties, Cities and Towns.

No. 60. Senate bill was referred to the Committee for Courts of Justice.

No. 49. Senate bill to authorize a school census in Elk Creek district, Wilson district, Old Town district and Providence district of Grayson county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five; having been considered by the committee in session was reported from the Committee on Schools and Colleges.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns:

No. 47. Senate bill to authorize the boards of supervisors of the counties of Craig and Smyth to issue bonds or other obligations of their said counties on behalf of their said counties for the purpose of providing funds for the payment of the prorata share of the counties of Craig and Smyth towards the initial cost of the district home for the poor for said counties to be purchased and erected in conjunction with other counties. Said loans to be secured by deeds of trust on the poor farms now owned by said counties of Craig and Smyth and to authorize the board of supervisors in said counties to levy along with the county levy in their respective counties a sufficient tax to pay the interest on said loans and to pay the said principal debt out of the proceeds of sale of said poor farms when sold. The loan to be made by the board of supervisors of Craig county not to exceed \$2,000.00 and the loan made by the board of supervisors of Smyth county not to exceed \$8,000.00.

No. 52. Senate bill to amend section 2 of an act approved February 7, 1896, entitled an act to incorporate the town of Saltville and to repeal an act entitled "an act to incorporate the town of Saltville" approved March 8, 1894.

No. 54. Senate bill to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed; having been considered by the committee in session was reported from the Committee on Privileges and Elections.

The following Senate bills having been considered by the committee in session were reported from the Committee on Roads and Internal Navigation.

No. 53. Senate bill to amend and re-enact section 17 of an act entitled "an act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let the contract of the roads of said county, and levy a tax to keep the same in said repair, as amended by an act approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively January 22, 1898, March 7, 1900, as amended by an act approved March 14, 1906, and as amended by an act approved March 15, 1910, and

further amended by an act approved March 24, 1920, and further amended by an act approved March 24, 1922, and the purchase road machinery, implements, tools and so-forth, pay of supervisors, clerk and duties of each, prescribing penalties and so-forth, and to repeal all special acts in conflict herewith," approved March 7, 1924.

No. 51. Senate bill authorizing the board of supervisors of Carroll county to appropriate and expend money to construct and maintain a certain road in Grayson county known as the "Snow Hill Road."

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, April 8, 1927.

To Members of the General Assembly of Virginia:

I respectfully recommend an amendment to amend and re-enact section 229 of the Code of Virginia, as heretofore amended, in relation to primary elections, so that in the case of a candidate for an office filled by election by the qualified voters of the State at large a written declaration of candidacy must be filed at least ninety days in advance of the date of the primary.

It is important that in Statewide elections that the voters know the candidates at least ninety days before the date of the primary, so that there may be ample time for a statement of the platform of the candidates and a full discussion of the issues of the campaign.

The amendment recommended does not change the existing requirement that in local elections notice of candidacy be given at least sixty days before the primary. It applies only to offices filled by Statewide vote, in which case the time should be extended to at least ninety days so as to permit a fuller discussion of the issues of the campaign. The proposed amendment simply changes the time of filing declarations for Statewide offices from at least sixty days before the primary to at least ninety days before the primary. I respectfully recommend its passage.

Respectfully,
HARRY F. BYRD,
Governor.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, April 8, 1927.

To the Members of the General Assembly:

The General Assembly, at its session of 1926, enacted a law regulating the operation of vehicles upon the public highways. This law was approved March 25, 1926. Section 2 thereof contains an error in that there is a reference in that section to section 68 of the act whereas section 67 is the correct reference and the one intended. Section 30 of the act also contains an error in that there is a reference in that section to section 69 of the act whereas section 68 is the correct reference and the one intended. The correction of the errors aforesaid is regarded as of sufficient importance to cause me to recommend such correction, which I now do.

HARRY F. BYRD,
Governor.

A message was received from the Senate by MR. VAUGHAN, who informed the House that the Senate had passed Senate bill entitled

an act "to amend and re-enact section 2, 25 and 30 of chapter 474 of the Acts of Assembly of 1926, being an act entitled "An act to regulate the operation of vehicles on public highways to govern and protect pedestrians while using such highways; to provide penalties for violating the provisions of this act and the disposition of fines and forfeitures collected hereunder, to make uniform the law relating to the subject matter of this act, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March 25, 1926, No. 62; in which they request the concurrence of the House.

The bill was referred to the Committee on Roads and Internal Navigation.

The morning hour having expired, the House proceeded to the business on the calendar.

The following Senate bills were read at length a first time:

No. 49. Senate bill to authorize a school census in Elk Creek district, Wilson district, Old Town district and Providence district of Grayson county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five.

No. 47. Senate bill to authorize the boards of supervisors of the counties of Craig and Smyth to issue bonds or other obligations of their said counties on behalf of their said counties for the purpose of providing funds for the payment of the prorata share of the counties of Craig and Smyth towards the initial cost of the district home for the poor for said counties to be purchased and erected in conjunction with other counties. Said loans to be secured by deeds of trust on the poor farms now owned by said counties of Craig and Smyth and to authorize the board of supervisors in said counties to levy along with the county levy in their respective counties a sufficient tax to pay the interest on said loans and to pay the said principal debt out of the proceeds of sale of said poor farms when sold. The loan to be made by the board of supervisors of Craig county not to exceed \$2,000.00 and the loan made by the board of supervisors of Smyth county not to exceed \$8,000.00.

No. 52. Senate bill to amend section 2 of an act approved February 7, 1896, entitled an act to incorporate the town of Saltville and to repeal an act entitled "an act to incorporate the town of Saltville" approved March 8, 1894.

No. 53. Senate bill to amend and re-enact section 17 of an act entitled "An act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let the contract of the roads of said county, and levy a tax to keep the same in said repair, as amended by an act approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively, January 22, 1898, March 7, 1900, as amended by an act approved March 14, 1906, and as amended by an act approved March 15, 1910, and further amended by an act approved March 24, 1920, and further amended by an act approved March 24, 1922, and the purchase of road machinery, implements, tools and so-forth, pay of supervisors, clerk

and duties of each, prescribing penalties and so-forth, and to repeal all special acts in conflict herewith," approved March 7, 1924.

No. 51. Senate bill authorizing the board of supervisors of Carroll county to appropriate and expend money to construct and maintain a certain road in Grayson county known as the "Snow Hill Road."

MR. BREWER from the Committee of Conference on the disagreeing votes of the two houses on No. 1 Senate bill, presented the following report:

To the General Assembly:

We, your undersigned conferees on the disagreeing votes of the two houses upon No. 1 Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency, recommend as follows:

1. That all of the amendments proposed by the House be agreed to, except those mentioned in paragraph 2 next succeeding:

2. That the House recede from its amendments on page 23, section 12, lines 27, 30, 31, 34, 36, 38 and 42 wherein the House inserted in each case after the word "inspectors" the words "his license distributors, motorcycle and office deputies."

Respectfully,

B. F. BUCHANAN,

W. A. GARRETT,

Conferees on the part of the Senate.

R. L. BREWER, JR.,

J. SINCLAIR BROWN,

R. L. JEFFREYS,

Conferees on the part of the House of Delegates.

The report of the Committee of Conference was adopted—ayes, 74; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Fain, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Rew, Rodgers, Saunders, Savedge, Shrader, Sinclair, Smith, C. H., Snead, Topping, Tuck, Vellines, Waller, Watkins, Watts, Weeks, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—74.

NAYS—Speers, Witten—2.

MR. BREWER moved to reconsider the vote by which the report of the Committee of Conference was adopted, which was rejected.

Ordered that MR. BREWER inform the Senate.

The amendments proposed by the Senate to the following House bills were concurred in.

No. 55. House bill to amend and re-enact subsection one (1) of section two (2) and section forty-nine (49) of an act entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke, approved March 22, 1924—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Rew, Rodgers, Saunders, Savedge, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Vellines, Waller, Watkins, Watts, Weeks, Witten, Wood, Wright, J. W., Young, Mr. Speaker—78.

NAYS—0.

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia—ayes, 71; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Rew, Rodgers, Savedge, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Vellines, Waller, Watkins, Watts, Weeks, Witten, Wood, Wright, J. W., Mr. Speaker—71.

NAYS—0.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled an act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county, approved February 9, 1916; and further to repeal an act entitled an act requiring each local road board in the county of Surry to publish annually detailed statements showing the receipts and expenditures of public money for highway construction and maintenance, in its respective magisterial districts, and providing a penalty for failure, approved March 24, 1926—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg,

Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Rew, Rodgers, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Vellines, Watkins, Watts, Weeks, Wood, Wright, J. W., Young, Mr. Speaker—73.

NAYS—0.

Motions severally made to reconsider the votes by which the amendments proposed by the Senate to Nos. 55, 47 and 43 House bills were concurred in, were rejected.

No. 22. Senate bill to amend the tax bill, as heretofore amended, by adding thereto a new section to be numbered and known as section 11½, in relation to taxes on capital and on other tangible personal property and on incomes; and to amend and re-enact subsection 15 of section 10 of the tax bill, as heretofore amended, in relation to the collection of taxes, was on motion of MR. BREWER taken up out of its order on the calendar.

MR. BREWER moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 67; nays, 16.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Graham, Graves, Hamner, Hanes, Jesse, Johnson, Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Price, Rodgers, Saunders, Savedge, Shepherd, Shrader, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Watkins, Watts, Weeks, Williams, Witten, Wood, Wright, J. W., Young, Mr. Speaker—67.

NAYS—Davis, Folkes, George, Gordon, Hall, Harman, Horner, Jeffreys, Lyon, Parker, W. A., Pierce, Rew, Sebrell, Sinclair, Stickley, Wright, E. H.—16.

The amendments proposed by the Committee on Finance were agreed to.

The amendments were ordered to be engrossed and being presently engrossed, the bill was read at length a third time and rejected—ayes, 38; nays, 48.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, W. W., Bolling, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Carter, Cato, Coiner, Cole, Dovell, Graham, Hamner, Hanes, Jesse, Johnson, Jones, E. B., Keezell, Moffett, Nickles, Price, Rodgers, Saunders, Savedge, Smith, C. H., Snead, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Witten, Wright, W. A., Young, Mr. Speaker—38.

NAYS—Allman, Bear, Bird, George T., Bolton, Boschen, Boyd, E. T., Bruce, Coleman, Davis, Doosing, Fain, Folkes, George, Gordon, Graves, Hall, Harman, Horner, Jeffreys, Jones, C. A., Jones, J. P., Jordan, Kelly, Lyon, Malbon, Mason, Massenburg, Milstead, Norris, Parker, W. A., Pierce, Ramey, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Speers, Stickley, Taylor, Topping, Tuck, Vellines, Warren, L. E., Wright, E. H., Wright, J. W.—48.

MR. FOLKES moved to reconsider the vote by which the bill was rejected.

No. 54. Senate bill to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for

office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed, was on motion of Mr. NICKLES taken up out of its order on the calendar.

MR. NICKLES moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 79; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Millstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Vellines, Waller, Watkins, Watts, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—79.

NAYS—0.

The question being shall the bill pass was put and decided in the affirmative—ayes, 76; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Price, Rew, Rodgers, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Topping, Tuck, Vellines, Waller, Watkins, Watts, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—76.

NAYS—0.

MR. GARY moved to discharge the Committee on Finance from the further consideration of No. 55 Senate bill to amend and re-enact section twenty-seven (27) and section twenty-eight (28) of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, commonly designated as the "tax bill," as heretofore amended, which was agreed to—ayes, 66; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Keezell, Lyon, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Ramey, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—66.

NAYS—Boyd, I. C.—1.

MR. GARY moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 70; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Keezell, Lyon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Stickley, Topping, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—70.

NAYS—Boyd, I. C. 1.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 79; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—79.

NAYS—0.

MR. GARY moved to discharge the Committee on Finance from the further consideration of No. 56 Senate bill to empower the State Corporation Commission to make review and correction of its assessments of the value of the property of any transportation company, transmission company, or other public service corporation, and of its assessments of any tax upon such companies or their property, which was agreed to—ayes, 76; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.

NAYS—0.

MR. GARY moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 79; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris,

Page, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Waller, L. E., Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—79.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 78; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—78.

NAYS—0.

A message was received from the Senate by MR. FERGUSON, who informed the House that the Senate had passed Senate bill entitled an act to amend and re-enact section 229 of the Code of Virginia, as heretofore amended in relation to primary elections, No. 61; in which they request the concurrence of the House.

THE SPEAKER laid the bill before the House.

The bill was referred to the Committee on Privileges and Elections.

MR. JONES, of *Richmond city*, moved to discharge the Committee on Privileges and Elections from further consideration of the bill, which was agreed to—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Malbon, Massenburg, Milstead, Moore, Nickles, Page, Parker, W. A., Ramey, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

NAYS—0.

MR. HALL moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 76; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Ramey, Rew, Rodgers, Saunders, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S.,

Snead, Speers, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.
 NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Folkes, Fuller, Gary, Graham, Graves, Hall, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Stickley, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.
 NAYS—0.

Motions severally made to reconsider the votes by which Nos. 61, 55, 56 and 54 Senate bills were passed, were rejected.

House bill to amend and re-enact section 1 of an act entitled an act to provide for the working of the roads of the county of Louisa, approved March 14, 1924, was presented by MR. GORDON and referred under rule 37 to the Committee on Special, Private and Local Legislation.

MR. GORDON moved to discharge the Committee on Special, Private and Local Legislation from further consideration of the bill, which was agreed to—ayes, 75; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—75.
 NAYS—0.

The bill was referred to the Committee on Roads and Internal Navigation.

MR. GORDON moved to discharge the Committee on Roads and Internal Navigation from further consideration of the bill, which was agreed to—ayes, 70; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hall, Hanes, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Norris, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Topping, Vellines, Waller, Warren, Geo. M., Watkins, Watts, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—70.
 NAYS—0.

The bill No. 79 was placed on the calendar.

MR. GORDON moved to dispense with the several readings and printing of the bill required by section 50 of the Constitution, which was agreed to—ayes, 70; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bolton, Booker, Boschen, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Fain, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Norris, Parker, W. A., Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Shrader, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Topping, Vellines, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—70.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass was put and decided in the affirmative—ayes, 73; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Dovell, Fuller, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, J. P., Keezell, Kelly, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Norris, Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Speers, Topping, Tuck, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

NAYS—Fain—1.

MR. GORDON moved to reconsider the vote by which No. 79 House bill was passed, which was rejected.

On motion of MR. BROWN, the House adjourned.

THOS. W. OZLIN,

Speaker of the House of Delegates.

JOHN W. WILLIAMS,

Clerk of the House of Delegates.

SATURDAY, APRIL 9, 1927

Prayer by Rev. Fred R. Chenault, D. D. pastor, Broad Street Methodist Church, Richmond, Virginia.

On motion of MR. KELLY, the reading of the journal was dispensed with.

THE SPEAKER and clerk signed the journal as provided by rule 3.

A communication from the Senate by their clerk, was read as follows:

In Senate, April 8, 1927.

The Senate has dismissed House bills entitled an act to authorize the councils or other governing bodies of the cities of the Commonwealth whose charters provide for the appointment of a city collector,

to abolish such office and to transfer the duties thereof to the city treasurer, and to fix the compensation of such treasurer, No. 58; and an act to amend and re-enact an act entitled an act to provide that no person, otherwise entitled to attend any public high school in the counties of Amherst, Nelson, Louisa, Tazewell, Fluvanna, Goochland, Dinwiddie and Campbell, shall be denied such privilege because of the nonpayment by him or her, or some one for him or her, of any tuition charge" approved March 24, 1926, so as to bring the counties of Prince Edward and Cumberland under the provisions of this act," No. 76. They have passed House bills entitled an act to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute, No. 62; an act to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity, No. 65; an act to amend and re-enact section 1 of an act entitled an act to incorporate the city of Danville, approved February 17, 1890, as heretofore amended, No. 66; an act to amend and re-enact section 17 of an act entitled, an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916, approved March 14, 1924, relating to Confederate pensions, No. 67; an act to amend and re-enact sections numbers 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902, No. 71; an act to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation, No. 72; an act to amend and re-enact section 23 of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924, No. 73; an act to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery, No. 74; an act authorizing and empowering the State Highway Commission to construct walkway or walkways on such bridge or bridges in the State highway system as the State Highway Commission may deem necessary for the protection of pedestrian traffic, No. 75; an act authorizing the board of supervisors of Lee county to borrow \$40,000.00 for road purposes, and to issue bonds therefor, No. 77; and an act authorizing the State Highway Commission to oil highways in counties and towns upon request of the proper authorities thereof and upon payment of the cost thereof, No. 78. They have concurred in amendments proposed by the House of Delegates to Senate bills entitled an act to

amend and re-enact an act of the General Assembly approved March 26, 1926, entitled an act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearing thereon, and to give publicity to propose increases in the local tax levies; to provide for the regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountants in reference thereto, No. 16; and an act to amend an act approved March 22, 1924, entitled, "an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this act so far as they relate to the city of Roanoke," by adding thereto section No. 72, No. 39. They have agreed to the conference report on Senate bill entitled an act to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties, to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency, No. 1; and they have passed with amendment House bill entitled an act to provide for the uses of the old hall of the House of Delegates and the old Senate chamber in the State Capitol building, No. 19. In which they request the concurrence of the House of Delegates.

No. 19. House bill was on motion of MR. FOLKES, placed on the calendar.

No. 60. Senate bill validating the recordation of mechanics' liens in mechanics' lien books, and in clerk's office of hustings court, part two, of city of Richmond; having been considered by the committee in session was reported from the Committee for Courts of Justice, with amendments.

No. 62. Senate bill to amend and re-enact sections 2, 25 and 30 of chapter 474 of the Acts of Assembly of 1926, being an act entitled "An act to regulate the operation of vehicles on public highways to govern and protect pedestrians while using such highways; to provide penalties for violating the provisions of this act and the disposition of fines and forfeitures collected hereunder, to make uniform the law relating to the subject matter of this act, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March 25, 1926; having been considered by the committee in session was reported from the Committee on Roads and Internal Navigation.

The following Senate bills having been considered by the committee in session were reported from the Committee on Counties, Cities and Towns.

No. 57. Senate bill in relation to division fences in the county of Chesterfield.

No. 59. Senate bill to amend and re-enact section 2769 of the Code of Virginia, as heretofore amended, in relation to compensation of supervisors.

MR. BREWER offered the following joint resolution:

Resolved by the House of Delegates, the Senate concurring, that when the General Assembly adjourns today, it adjourn to meet on Friday, April 15th, 1927 at 12 o'clock M, which was agreed to.

Ordered that MR. BREWER carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLT, who informed the House that the Senate had agreed to the joint resolution.

MR. ADAMS offered the following joint resolution:

Be it resolved by the House of Delegates, the Senate concurring, that consent be and the same is hereby given for the introduction and consideration of a bill entitled "a bill to appropriate additional money for the relief of needy Confederate women of Virginia who are not upon the State pension roster and who are not inmates of any Confederate, independent or church home or charitable institution," which was rejected—ayes, 46; nays, 5.

The vote required by the joint order was recorded as follows:

AYES—Adams, Bear, Bird, W. W., Bolling, Bolton, Booker, Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Folkes, Fuller, George, Graham, Graves, Hailey, Hall, Hamner, Horner, Jones, C. A., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Milstead, Moore, Norris, Parker, W. A., Ramey, Rodgers, Savedge, Shepherd, Sinclair, Snead, Warren, Geo. M., Weeks, Wesson, Williams, Young, Mr. Speaker—46.

NAYS—Boyd, I. C., Gordon, Jesse, Mason, Smith, J. S.—5.

MR. MASON offered the following resolution:

Whereas the House of Delegates of Virginia has profited by the wisdom, experience and high character of its three veteran members, MESSRS. GORDON, KEEZELL and YOUNG, whose wise advice and alert interest are alike an inspiration to the younger members and invaluable to Virginia;

Therefore, be it resolved:

1. That we extend to these gentlemen the assurance of our affection and appreciation.
2. That we express the hope that their respective constituencies will, without opposition, return these valued representatives thus showing that electorates can be grateful, which was agreed to.

MR. PAGE offered the following resolution:

Resolved that the members of the press in attendance upon the House of Delegates be extended our thanks for their courteous reports of the proceedings of the extra session, which was agreed to.

MR. JOHNSON offered the following resolution:

Resolved by the House of Delegates, That the Clerk of the House of Delegates and the SPEAKER of the House of Delegates be and they

are hereby authorized to draw their warrants upon the Auditor of Public Accounts for \$50 each for this session as extra compensation to the following officers: assistant clerk, journal clerk, reading clerk, engrossing clerk, enrolling clerk, two doorkeepers and committee clerks; and \$25 each to the pages, janitors, two elevator men in the State Capitol, janitor in charge of the State flags, typist, electrician, Capitol police, gallery doorkeeper, engineer and fireman at the power plant, which was agreed to.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 19. House bill to provide for the use of the old Hall of the House of Delegates and the old Senate chamber in the State Capitol building, came up.

The amendments proposed by the Senate were concurred in—ayes, 74; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brown, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Lyon, Malbon, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rew, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—74.

NAYS—Gordon—1.

MR. FOLKES moved to reconsider the vote by which the amendment was agreed to, which was rejected.

The following Senate bills were read at length a third time and passed.

No. 45. Senate bill to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00), and to issue bonds of the said county therefor, for the purpose of constructing two public roads in Stanardsville and Monroe magisterial districts of said county, one extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spotswood Trail by way of Geer to a fork in the road above J. A. Williams'—ayes, 68; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jordan, Keezell, Kelly, Malbon, Mason, Milstead, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—68.

NAYS—0.

No. 46. Senate bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature—ayes, 68; nays, 1.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—68.

NAYS—Boschen—1.

No. 49. Senate bill to authorize a school census in Elk Creek district, Wilson district, Old Town district and Providence district of Grayson county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five, came up.

MR. SMITH, *of Grayson*, moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 75; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Johnson, Jones, C. A., Jones, E. B., Jordan, Kelly, Malbon, Mason, Milstead, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—75.

NAYS—0.

The question being shall the bill pass was put and decided in the affirmative—ayes 77; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Kelly, Malbon, Mason, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—77.

NAYS—0.

No. 53. Senate bill to amend and re-enact section 17 of an act entitled an act to amend and re-enact an act entitled an act to author-

ize the board of supervisors of the county of Carroll to let the contract of the roads of said county, and levy a tax to keep the same in said repair, as amended by an act approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively, January 22, 1898, March 7, 1900, as amended by an act approved March 14, 1906, and as amended by an act approved March 15, 1910, and further amended by an act approved March 24, 1920, and further amended by an act approved March 24, 1922, and the purchase of road machinery, implements, tools and so forth, pay of supervisors, clerk and duties of each, prescribing penalties and so forth, and to repeal all special acts in conflict herewith, approved March 7, 1924, came up.

MR. SMITH, *of Grayson*, moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watkins, Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Barton, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parke, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Tuck, Vellines, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—69.

NAYS—0.

No. 51. Senate bill authorizing the board of supervisors of Carroll county to appropriate and expend money to construct and maintain a certain road in Grayson county known as the "Snow Hill Road," came up.

MR. SMITH, *of Grayson*, moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 67; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman,

Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Malbon, Mason, Massenburg, Milstead, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—67.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 72; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Malbon, Mason, Massenburg, Moffett, Moore, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, C. H., Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—72.

NAYS—0.

No. 47. Senate bill to authorize the boards of supervisors of the counties of Craig and Smyth to issue bonds or other obligations of their said counties on behalf of their said counties for the purpose of providing funds for the payment of the pro rata share of the counties of Craig and Smyth towards the initial cost of the district home for the poor for said counties to be purchased and erected in conjunction with other counties. Said loans to be secured by deeds of trust on the poor farms now owned by said counties of Craig and Smyth and to authorize the board of supervisors in said counties to levy along with the county levy in their respective counties a sufficient tax to pay the interest on said loans and to pay the said principal debt out of the proceeds of sale of said poor farms when sold. The loan to be made by the board of supervisors of Craig county not to exceed \$2,-000.00 and the loan made by the board of supervisors of Smyth county not to exceed \$8,000.00, came up.

MR. BOLTON moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 76; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—76.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 68; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cole, Coleman, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Malbon, Massenburg, Milstead, Moore, Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Wright W. A., Young, Mr. Speaker—68.

NAYS—0.

No. 52. Senate bill to amend section 2 of an act approved February 7, 1896, entitled an act to incorporate the town of Saltville and to repeal an act entitled an act to incorporate the town of Saltville, approved March 8, 1894, came up.

MR. PIERCE moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Bowles, Boyd, I. C., Breneman, Brewer, Carter, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—73.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Warren, Geo. M., Watts, Weeks, Wesson, Witten, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—73.

NAYS—0.

No. 50. Senate bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the relocation of the improved channel of James river by the United States extending from its main channel about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point, came up.

MR. JONES, of *Richmond city*, moved to dispense with the further readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 63; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Doosing, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jesse, Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Snead, Tuck, Vellines, Waller, Watts, Weeks, Wood, Wright, E. H., Young, Mr. Speaker—63.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 68; nays, 0.

The vote required by the Constitution, this being an emergency act, was recorded as follows:

AYES—Adams, Allman, Barton, Bird, W. W., Bolton, Booker, Boschen, Boyd, E. T., Breneman, Brewer, Bruce, Carter, Coiner, Cole, Coleman, Davis, Doosing, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Horner, Jones, E. B., Jones, J. P., Jordan, Keezell, Lyon, Malbon, Massenburg, Moffett, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Smith, H. T., Smith, J. S., Taylor, Topping, Tuck, Vellines, Waller, Warren, C. R., Watts, Weeks, Williams, Witten, Wood, Wright, E. H., Young, Mr. Speaker—68.

NAYS—0.

No. 48. Senate bill to amend and re-enact section 5873 of the Code of Virginia, as heretofore amended, in relation to a special court of appeals, came up.

MR. HANES moved to amend the bill as follows: On page 2, lines 31 and 32 after the word "the" in line 31 strike out the following "Supreme Court of Appeals by an order entered on its order book" and insert in lieu thereof "Governor," which was rejected.

MR. GORDON moved to amend the bill as follows:

Strike out in lines 71 and 72 the following:

"The Court of Appeals shall not have power to grant or refuse writs of error or appeals in any case," which was rejected.

MR. GORDON moved to amend the bill as follows:

Page 3, line 33, strike out the words "fifteen dollars" in line 33 and insert in lieu thereof the following: "Ten dollars," which was rejected.

The bill was read at length a third time and passed—ayes, 62; nays, 12.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, W. W., Bolling, Boschen, Boyd, E. T., Boyd, I. C., Brewer, Bruce, Carter, Cato, Coiner, Cole, Davis, Doosing, Dovell, Folkes, Fuller, Gary, Graham, Graves, Hall, Hamner, Harman, Horner, Jeffreys, Jesse, Johnson, Jones, E. B., Jones, J. P., Mason, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Page, Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Snead, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Mr. Speaker—62.

NAYS—Bird, George T., Bolton, Breneman, Gordon, Hanes, Hicks, Keezell, Lyon, Malbon, Parker, W. A., Pierce, Young—12.

No. 59. Senate bill to amend and re-enact section 2769 of the Code of Virginia, as heretofore amended, in relation to compensation of supervisors, came up.

MR. GRAVES moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 73; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hall, Hamner, Hanes, Harman, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Keezell, Kelly, Malbon, Mason, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Tuck, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—73.

NAYS—0.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 70; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Dovell, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Horner, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Mason, Milstead, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rew, Saunders, Savedge, Shepherd, Sinclair, Smith, H. T., Smith, J. S., Snead, Taylor, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—70.

NAYS—Tuck—1.

No. 62. Senate bill to amend and re-enact sections 2, 25 and 30 of chapter 474 of the Acts of Assembly of 1926, being an act entitled, "an act to regulate the operation of vehicles on public highways to govern and protect pedestrians while using such highways; to provide penalties for violating the provisions of this act and the disposition of fines and forfeitures collected hereunder, to make uniform the law, relating to the subject matter of this act, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March 25, 1926, came up.

MR. BREWER moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 63; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Breneman, Brewer, Cato, Coiner, Cole, Coleman, Davis, Doosing, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Norris, Parker, W. A., Pierce, Rew, Rodgers, Saunders, Sebrell, Sinclair, Smith, H. T., Snead, Taylor, Vellines,

Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—63.

NAYS—Hall, Jesse—2.

The question being, shall the bill pass was put and decided in the affirmative—ayes, 65; nays, 3.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Cato, Coiner, Cole, Coleman, Davis, Doosing, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moffett, Moore, Nickles, Page, Parker, W. A., Pierce, Rew, Rodgers, Saunders, Sebrell, Sinclair, Smith, H. T., Snead, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, W. A., Young, Mr. Speaker—65.

NAYS—Hall, Jesse, Wright, J. W.—3.

Motions severally made to reconsider the votes by which Nos. 45, 46, 59, 49, 53, 51, 47, 52, 50, 48 and 62 Senate bills were passed were rejected.

No. 60. Senate bill validating the recordation of mechanics' liens in mechanics' lien books, and in clerk's office of hustings court, part two, of city of Richmond, came up.

MR. YOUNG moved to dispense with the several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 66; nays, 1.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Brewer, Bruce, Carter, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Folkes, Gary, Gordon, Graham, Graves, Hamner, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Jordan, Malbon, Massenburg, Milstead, Moore, Nickles, Page, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Sebrell, Sinclair, Snead, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—66.

NAYS—Topping—1.

The amendments proposed by the Committee for Courts of Justice were agreed to.

The amendments were ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass was put and decided in the affirmative—ayes, 61; nays, 2.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Breneman, Brewer, Bruce, Carter, Cole, Coleman, Davis, Doosing, Dovell, Folkes, Gary, Gordon, Graham, Graves, Hall, Hamner, Hicks, Horner, Jeffreys, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Malbon, Massenburg, Milstead, Moore, Nickles, Norris, Parker, W. A., Price, Rew, Rodgers, Saunders, Savedge, Sinclair, Snead, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—61.

NAYS—Mason, Topping—2.

MR. YOUNG moved to reconsider the vote by which the bill was passed, which was rejected.

Ordered that MR. DOVELL carry the bill to the Senate and request their concurrence.

The following communication was received from the Governor:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
RICHMOND, April 9, 1927.

To the General Assembly of Virginia:

I respectfully return House bill No. 13, authorizing the Military Board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, etc.

I approve of the purpose of this bill, but request the following amendment:

In section 5, on page 3, line two of said section, after the words "of nineteen hundred and" strike out the words "twenty-four" and insert in lieu thereof the words "twenty-six."

This is simply to correct an error in stating the year of the act referred to, the correct year being 1926 instead of 1924.

Respectfully,

HARRY F. BYRD,
Governor.

THE SPEAKER laid the bill.

No. 13. House bill to authorize the Military Board of the Commonwealth to exchange, by conveyance, a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand (\$12,000.00) dollars in addition thereto, upon such conditions as the State Military Board may deem advisable; to authorize the military board to use the said sum of twelve thousand (\$12,000.00) dollars for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926 before the House, together with the recommendation of the Governor.

The House proceeded to reconsider the same.

The question being, whether the House shall agree to amend the bill in accordance with the recommendation of the Governor, was put and decided in the affirmative—ayes, 69; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Folkes, Fuller, Gary, George, Gordon, Graham, Graves, Hailey, Hamner, Hanes, Harman, Horner, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Kezell, Kelly, Malbon, Mason, Milstead, Moffett, Moore,

Nickles, Parker, W. A., Pierce, Price, Ramey, Rew, Rodgers, Saunders, Savedge, Shepherd, Sinclair, Snead, Taylor, Topping, Tuck, Waller, Warren, Geo. M., Watkins, Watts, Weeks, Wesson, Williams, Wood, Wright, E. H., Young, Mr. Speaker—69.

NAYS—0.

MR. BARTON moved to reconsider the vote by which the bill was amended in accordance with the recommendation of the Governor, which motion was rejected.

Ordered that MR. BARTON inform the Senate.

The morning hour being resumed.

House bill to amend and re-enact section 306 of the Code of Virginia as amended by an act approved March 19, 1920, in relation to the duties of the Clerk of the House of Delegates, was presented by MR. OZLIN and referred under rule 37 to the Committee on Rules.

MR. OZLIN moved to discharge the Committee on Rules from further consideration of the bill, which was agreed to—ayes, 61; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Folkes, Fuller, Gary, Gordon, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, J. P., Keezell, Malbon, Massenburg, Milstead, Moore, Nickles, Norris, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Sebrell, Shepherd, Sinclair, Taylor, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Young, Mr. Speaker—61.

NAYS—0.

The bill No. 80 was placed on the calendar.

The calendar being resumed, MR. OZLIN moved to dispense with the printing, and several readings of the bill required by section 50 of the Constitution, which was agreed to—ayes, 66; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Folkes, Fuller, Gary, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Lyon, Malbon, Massenburg, Milstead, Moore, Nickles, Norris, Page, Parker, W. A., Pierce, Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Taylor, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Wright, W. A., Young, Mr. Speaker—66.

NAYS—0.

The bill was ordered to be engrossed, and being presently engrossed, the question being, shall the bill pass was put and decided in the affirmative—ayes, 65; nays, 0.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, I. C., Breneman, Brewer, Brown, Bruce, Cato, Coiner, Cole, Coleman, Davis, Doosing, Dovell, Folkes, Fuller, Gary, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Malbon, Massenburg, Milstead, Moore, Nickles,

Norris, Page, Parker, W. A., Ramey, Rodgers, Saunders, Savedge, Sebrell, Shepherd, Sinclair, Snead, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Wesson, Williams, Wood, Wright, E. H., Wright, J. W., Mr. Speaker—65.

NAYS—0.

MR. DOVELL moved to reconsider the vote by which the bill was passed, which was rejected.

Ordered that MR. DOVELL carry the bill to the Senate and request their concurrence.

A message was received from the Senate by MR. GUNN, who informed the House that the Senate had passed the bill.

The following Senate bills were on motion severally made dismissed:

No. 44. Senate bill to amend and re-enact sections 99, 108, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 57. Senate bill in relation to division fences in the county of Chesterfield.

MR. PRICE from the Committee of Conference upon the disagreeing votes of the two houses on

No. 1. House joint resolution, proposing amendment to the Constitution, presented the following report:

To the General Assembly of Virginia.

Your undersigned conferees on the disagreeing votes of the two houses on

House joint resolution No. 1, proposing amendment to the Constitution of Virginia, report and recommend as follows:

1. That the amendment proposed by the Senate, on page 15, section 31, line 6, be changed so as to read as follows: "In the appointment of the electoral boards representation as far as practicable shall be given to each of the two political parties which, at the general election next preceding their appointment cast the highest and the next highest number of votes."

2. That the Senate recede from its amendment on page 15, section 31, line 13, inserting the words "and clerks" after the word "judges."

3. That the amendment proposed by the Senate on page 30, section 58, line 10, inserting after the word "uses" the words "as defined by the General Assembly" be changed so as to read as follows: Page 30, section 58, line 11, after the word "compensation" insert comma and add: "the term "public uses" to be defined by the General Assembly."

4. That the amendment proposed by the Senate, page 49, section 88, by striking out that section and inserting a substitute be changed

so as to make the said amendment read as follows: Page 49, section 88, strike out section 88 and insert in lieu thereof the following:

Section 88. Supreme Court of Appeals; Composition and Jurisdiction. The Supreme Court of Appeals shall consist of seven judges, any four of whom when convened shall form a quorum.

The judges may sit in bank, or in two divisions, consisting of not less than three judges each, as the court may, from time to time determine. In case the court shall sit in divisions, each of such divisions shall have the full power and authority of said court in the determination of causes, the issuing of writs, and the exercise of all powers authorized by this Constitution, or provided by law, subject to the general control of the court sitting in bank, and such rules and regulations as the court may make; but no decision of any division shall become the judgment of the court, unless concurred in by at least three judges; and no case involving a construction of the Constitution of this State or of the United States, shall be decided except by the court in bank and the assent of at least four of the judges shall be required for the court to determine that any law is or is not repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than three of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. In event the judges composing any division shall differ as to the judgment to be rendered in any cause, or in event any judge of either division, within a time and in a manner to be fixed by the rules to be adopted by the court, shall certify that in his opinion any decision of any division of the court is in conflict with any prior decision of the court, or of any division thereof, the cause shall then be considered and adjudged by the full court, or a quorum thereof.

The court shall have original jurisdiction in cases of habeas corpus, mandamus and prohibition, but in other cases in which it shall have jurisdiction, shall have appellate jurisdiction only.

Subject to such reasonable rules as may be prescribed by law as to the course of appeals, the limitation as to the time, the value, amount or subject matter involved, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and in such other cases as may be prescribed by law. No appeal shall be allowed to the Commonwealth in a case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed in any case involving the violation of a law relating to the State revenue.

No bond shall be required of an accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

Each of the judges shall have the title of justice.

The judge longest in continuous service shall be chief justice; and if two or more shall have so served for the same period, the senior in years of these shall be chief justice.

5. That the Senate recede from its amendment on page 59, section 110, line 7, inserting after the word "county" the words "unless the method of selection be otherwise provided by law."

6. That the Senate recede from its amendment on page 67, section 119, line 8, inserting after the word "elected" the words "unless the method of selection be otherwise provided by law."

7. That the Senate recede from so much of its amendment on page 89, section 155, as relates to the appointment of the members of the State Corporation Commission by the Governor, so that the amendment shall read as follows:

Page 89, section 155, line 8, after the word "shall be" strike out rest of the line and all of lines 9, 10 and 11, and insert in lieu thereof the following: "elected by the General Assembly. The present commissioners shall continue in office until the expiration of their present terms. The terms of their successors shall begin on the first day of February next succeeding their election."

8. That the amendment proposed by the Senate on page 89, section 155, line 16, be changed to read as follows:

Page 89, section 155, line 16, after the word "thereof" insert the following: "Nor shall any such person be interested, either directly or indirectly, in any insurance company, association or fraternal organization, or in any bank, trust or other like company doing business in this State and which is by law made subject to the supervision of said State Corporation Commission; but this section shall not be so construed as to prevent any such person from being a policy holder in any insurance company, insurance association, or fraternal organization."

9. That the House agree to the following amendments proposed by the Senate:

Page 1, line 14, after the word "ten" strike out "section one hundred and fifty-two of article eleven" and insert in lieu thereof "section one hundred and seventy of article thirteen."

Page 5, section 8, line 12, after the word "felonious" strike out "before" and insert in lieu thereof "by."

Page 5, line 12, after the word "tribunal" insert "without a jury."

Page 5, line 21, after the word "attorney" insert "and of the court entered of record."

Page 5, line 23, after the word "court" strike out "may" and insert "shall."

Page 6, section 10, line 7, after the period strike out remainder of line 7 and line 8.

Page 6, section 11, line 8, after the word "cases" strike out "now."

Page 10, section 21, line 11, after the word "the" strike out "two" and insert in lieu thereof "three."

Page 11, section 22, line 5, after the second word "or" insert "of."

Page 11, section 22, line 10, after the word "become" strike out "two" and insert in lieu thereof "three."

Page 14, section 30, line 6, after the word "election" strike out "of" and insert in lieu thereof "for."

Page 19, section 38, line 47, after the word "the" strike out "Auditor of Public Accounts" and insert in lieu thereof "officer designated by law."

Page 24, section 47, line 15, strike out lines 15, 14 and 16, and insert in lieu thereof "returns of its members; may punish them for disorderly behavior, and, with the concurrence of two thirds, expel a member."

Page 25, section 50, line 16, after the word "thereon" strike out the following "separate and apart from any other bill."

Page 35, section 63, sub-section 20, line 72, after the word "thereof" strike out the residue of section 63.

Page 36, section 64, line 3, after the word "apply" strike out balance of line 3 and the words "will apply" in line 4.

Page 37, section 66, line 2, after the word "compensation" strike out balance of line 2 and all of line 3.

Page 37, section 66, line 7, strike out all of lines 7, 8, 9, 10 and 11.

Page 43, section 73, line 47, after the word "in" strike out "call criminal cases," and insert "cases not felonious."

Page 43, section 73, line 47, after the word "cases" strike out balance of section 73.

Page 46, section 77, line 2, after the word "same" insert "time and for the same."

Page 47, section 80, line 6, after the word "shall" strike out "be made upon" and insert in lieu thereof "not be made until."

Page 51, section 90, strike out section 90 and insert in lieu thereof; "Section 90. Opinions and judgments of the Supreme Court of Appeals.—When a judgment or decree is reversed, modified or affirmed by the Supreme Court of Appeals, the reasons therefor shall be stated in writing and preserved with the record of the case. The court may, but need not, remand a case for a new trial. In any civil case, it may enter final judgment, except that judgment for unliquidated damages shall not be increased or diminished."

Page 52, section 93, line 2, after the word "at" strike out "one" and insert "two."

Page 55, section 99, line 2, after the word "holding" insert "court."

Page 57, section 103, line 9, after the word "a" strike out "county or."

Page 57, section 103, line 11, after the word "such" strike out "county or."

Page 59, section 110, line 4, after the word "who" strike out following: "unless otherwise provided by law."

Page 59, section 110, line 9, after the word "by" strike out "the."

Page 60, section 110, line 24, after the word "institutions" strike out semi-colon, insert period and the word "but."

Page 63, section 115-A, line 11, after the word "revenue" insert following: "a debt created in anticipation of the collection of the revenue of the said county, board or district for the then current year."

Page 63, section 115-A, line 16, after the word "election" insert "of."

Page 67, section 119, line 11, after the word "by" insert "general."

Page 79, section 132, line 25, after the word "respectively" strike out remainder of line 25 and all of lines 26 and 27, and insert in lieu thereof: "Provided, however, the General Assembly may prescribe the time in which the State Board of Education may change the textbooks."

Page 85, section 151, after "section 151" insert following: "Section 152. Office of Commissioner of State Hospitals abolished." The office of Commissioner of State Hospitals for the Insane is hereby abolished."

Page 88, section 155, line 1, after the word "how" strike out word "appointed" and insert in lieu thereof "selected."

Page 89, line 4, after the word "how" strike out word "elected" and insert word "selected."

Page 89, section 155, line 5, after the word "salaries" insert following: "There shall be."

Page 89, section 155, line 6, after the word "members" strike out following: "is hereby created."

Page 89, section 155, line 7, after the word "commission" insert following: "Their regular term of office shall be six years, respectively. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly or until his successor be chosen as provided by law. Commissioners selected for regular terms shall, at the beginning of the terms for which selected, and those appointed to fill vacancies, shall immediately upon their selection or appointments, enter upon the duties of their office."

Page 109, section 161, line 19, after the word "railway" strike out the following: "company from transporting free of charge" and insert in lieu thereof; "(comma) transportation or transmission company from granting free transportation or free service, within this State, to."

Page 118, section 170, strike out entire section 170, lines 1 to 58, inclusive.

Page 127, section 181, line 6, after the word "mentioned" strike out following: "and to provide how the same shall" and insert "to."

Page 127, section 181, line 11, after the word "how" insert following: "and by what agencies."

Page 129, section 183, subsection "Eline", 33, after the word "charities" strike out period and insert comma, and add: "also parks or playgrounds held by trustees for the perpetual use of the general public."

Page 132, section 184-A, line 22, after the word "last" strike out following: "assessment preceding" and insert in lieu thereof, "preceding assessment."

Page 138, section 195-A, line 1, after the word "of" strike out "present."

Respectfully submitted,

JULIEN GUNN,
B. F. BUCHANAN,
FRANK L. BALL,

Conferees on the part of the Senate.

JAMES H. PRICE,
J. WARREN TOPPING,
W. H. NICKLES, JR.,

Conferees on the part of the House.

The report of the Committee of Conference was adopted—ayes, 74; nays, 3.

The vote required by the Constitution was recorded as follows:

AYES—Adams, Allman, Barton, Bear, Bird, George T., Bird, W. W., Bolling, Bolton, Booker, Boschen, Bowles, Boyd, E. T., Boyd, I. C., Breneman, Bruce, Carter, Cato, Coiner, Cole, Coleman, Doosing, Dovell, Folkes, Fuller, Gary, Graham, Graves, Hamner, Hanes, Harman, Hicks, Horner, Jeffreys, Jesse, Johnson, Jones, C. A., Jones, E. B., Jones, J. P., Keezell, Kelly, Lyon, Mason, Massenburg, Moffett, Moore, Nickles, Norris, Page, Pierce, Price, Ramey, Rodgers, Savedge, Sebrell, Shepherd, Sinclair, Smith, H. T., Snead, Taylor, Topping, Vellines, Waller, Warren, Geo. M., Warren, L. E., Watts, Weeks, Wesson, Williams, Witten, Wood, Wright, J. W., Wright, W. A., Young, Mr. Speaker—74.

NAYS—Davis, Gordon, Hall—3.

MR. PRICE moved to reconsider the vote by which the report of the Committee of Conference was adopted, which was rejected.

Ordered that MR. PRICE inform the Senate.

A message was received from the Senate by MR. GUNN, who informed the House that the Senate had adopted the report of the Committee of Conference.

A message was received from the Senate by MR. LAYMAN, who informed the House that the Senate had agreed to Senate joint resolution as follows:

Be it resolved by the Senate, the House of Delegates concurring, That the Superintendent of Public Printing be, and he is hereby authorized and directed to print for general distribution to the public, twenty-five thousand copies each of Senate bill number one and House joint resolution number one, as passed. The cost of such printing to

be paid out of the general printing fund of the State as other public printing costs are paid. One hundred copies to be sent to each member of the General Assembly.

The resolution was agreed to.

Ordered that MR. SNEAD inform the Senate.

All other business having been suspended, the SPEAKER in the presence of the House, signed the following bills, which had been passed by both houses and duly enrolled, the titles of said bills having been publicly read.

No. 21. House bill to amend and re-enact section 2414 of the Code of Virginia as amended by an act approved March 27, 1922, relating to treasurers' lists of uncollectible taxes and delinquents, relating to the county of Princess Anne.

No. 29. House bill to authorize the board of supervisors of York county to lay an additional levy of forty cents on the one hundred dollars of the assessed valuation of all property subject to local taxation for school purposes in Nelson district of said county; and to authorize the said board to forego or refrain from laying a road levy in the said district for any year the board may deem advisable.

No. 30. House bill to authorize the board of supervisors of Pittsylvania county, Virginia, to borrow money, not in excess of \$200,000.00, and to issue its bonds therefor, the proceeds to be applied in funding and discharging valid outstanding indebtedness of said county incurred by the school board of said county, and to provide for payment of interest thereon and principal thereof at maturity.

No. 47. House bill to incorporate the town of Boone Mill, in the county of Franklin, Virginia.

No. 4. Senate bill to authorize the Virginia State Penitentiary Board to cancel the indebtedness of the Mt. Pisgah Methodist Episcopal Church of Midlothian, Virginia, to the industrial department of the Virginia State Penitentiary.

No. 13. Senate bill to provide for the relief of volunteer firemen killed or injured while engaged in fighting fires or in going to or returning therefrom, in Arlington, Fairfax and Prince William counties and the city of Alexandria.

No. 18. Senate bill to amend the tax bill, as heretofore amended, by adding thereto two new sections to be numbered and known as section 44 $\frac{3}{8}$ and section 44 $\frac{7}{8}$, in relation to inheritance and transfer taxes.

No. 19. Senate bill to authorize the town of Wakefield, in the county of Sussex, to acquire, construct or establish a system of water works for the said town, and to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000.00), and to issue the bonds of the town therefor, for the purpose of acquiring, constructing or establishing such system of water works, and for the purpose of establishing, laying out and constructing a system of sewers for the said town, providing for the payment of interest on the said bonds and for the redemption of the same, and for an election to be held for the purpose of deciding upon the question of such bond issue.

No. 26. Senate bill authorizing the boards of supervisors of the counties of Amelia, Dinwiddie, Chesterfield, Nottoway and Powhatan to make appropriations for the expenses of the judge of the 4th judicial circuit.

On motion of MRS. BOOKER, the House adjourned.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

FRIDAY, APRIL 15, 1927

On motion of MR. WATTS, the reading of the journal was dispensed with.

THE SPEAKER and Clerk signed the journal as provided by rule 3.

A communication from the Senate by their Clerk was read as follows;

In Senate, April 9, 1927.

The Senate has concurred in amendments in accordance with the recommendations of the Governor to House bill entitled an act, House bill to authorize the military board of the Commonwealth to exchange by conveyance a certain part of the property belonging to the Commonwealth of Virginia in Princess Anne county, known as the State Rifle Range, for certain other real estate in Princess Anne county, Virginia, adjoining the present rifle range and lying between said range and the Atlantic ocean, and the sum of twelve thousand dollars (\$12,000.00) in addition thereto, upon such conditions as the State military board may deem advisable; to authorize the military board to use the said sum of twelve thousand dollars (\$12,000.00) for the erection of target ranges and other improvements on the property to be thus acquired by the Commonwealth; to confer upon the said military board the power of eminent domain with the right to condemn the title to all land, roads, streets, rights of way, easements and beach front necessary for the use of the present State Rifle Range, and in connection with the land herein authorized to be acquired for such use; to ratify certain acts of the military board heretofore taken in connection with the exchange herein authorized; and to repeal chapter 311 of the Acts of 1926, approved March 24, 1926, No. 13. They have passed Hosue bill entitled an act to amend and re-enact section 2 of an act entitled an act to provide increased Confederate pensions, approved March 13, 1926, No. 70. They have agreed to amendments proposed by the House of Delegates to Senate bill entitled an act validating the recordation of mechanics' liens in mechanics, books, and in clerk's office of hustings court, part two, of city of Richmond, No. 60.

THE SPEAKER appointed MESSRS. BOWLES and JEFFREYS, the committee on the part of the House in relation to motor vehicle question.

All other business having been suspended, the SPEAKER, in the presence of the House, signed the following bills, which had been passed by both houses, and duly enrolled, the title of said bills having been publicly read.

No. 8. House bill to amend an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February 26, 1916, being chapter 65 of the Acts of 1916, page 89, so as to confer upon said city of Hopewell the right and power to develop, govern and maintain a port and harbor for said city; to construct all necessary or proper facilities and port terminals, and to define the rights, powers and duties of any dock commission created by said city for the exercise of such powers.

No. 15. House bill to authorize the county school board of Elizabeth City county to borrow the sum of eighty thousand dollars (\$80,000.00) for school purposes and to issue bonds therefor, and providing for taxes to pay said bonds.

No. 16. House bill to provide for the appointment of a commission to survey the educational system of Virginia and to prescribe the powers and duties of said commission; also to make certain appropriations to carry the provisions of this act into effect.

No. 17. House bill to authorize the county school board of Buckingham county, Virginia, to issue and sell its school bonds in the amount of sixty thousand (\$60,000.00) dollars, for the purpose of retiring outstanding indebtedness incurred for school purposes; to provide for the collection of a tax for the payment of said bonds; to validate the proceedings heretofore had and the indebtedness to be retired; and declaring an emergency.

No. 18. House bill to authorize an issue of school bonds of Charlotte county and the levy of taxes to pay the principal and interest thereof, and to repeal chapter 447 of the Acts of 1926.

No. 19. House bill to provide for the uses of the old hall of the House of Delegates and the old Senate Chamber in the State Capitol building, and for the renovation, re-wiring and general repair of the Senate Chamber and Hall of the House of Delegates and their respective offices.

No. 20. House bill to amend and re-enact section 2726 of the Code of Virginia as amended, by an act approved March 25, 1926, which said section is in chapter 109 of the said Code, on the subject of boards of supervisors, especially relating to the counties of Russell and Alleghany.

No. 22. House bill to regulate the grading and marking of apples in closed packages; to authorize the Commissioner of Agriculture and Immigration to establish and promulgate official standard grades for apples and rules and regulations governing the marking of the same; to provide for the inspection of apples; the appointment of inspectors

and their compensation; to prohibit violations of this act and to prescribe penalties therefor.

No. 23. House bill to amend and re-enact section 3293 of the Code of Virginia regulating the taking of clams.

No. 24. House bill to amend and re-enact section 3242 of the Code of Virginia in relation to oyster ground.

No. 25. House bill to amend and re-enact section 3224 of the Code of Virginia in relation to oyster ground.

No. 26. House bill to amend and re-enact sections 3281, 3282, 3283, 3284, 3285, 3286, 3287 and 3289 of the Code of Virginia, in relation to oysters and clams.

No. 27. House bill to amend and re-enact an act entitled an act for the protection of foxes or other fur-bearing or hair-bearing animals, in Amelia, Nottoway, Lunenburg, Brunswick, Charlotte, Franklin, Tazewell and Washington counties, and to provide punishment for the violation thereof, approved March 24, 1926.

No. 28. House bill to prohibit the killing, catching, or taking of fish from the waters of Alleghany magisterial district of Montgomery county, except by angling with hook and line or with one set of grab hooks attached to line and rod.

No. 31. House bill to amend and re-enact section 2 of an act entitled an act authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities which adopt the provisions of this act, approved March 14, 1918.

No. 32. House bill to permit angling with hook and line in the waters of Smyth river and its tributaries in the counties of Franklin, Henry and Patrick for all fish during any time of the year.

No. 33. House bill making it unlawful for any person to permit dogs to run at large in Orange and Madison, Caroline, King George, Spotsylvania, Fauquier, Westmoreland and Louisa counties during the months of May, June and July of each year.

No. 34. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding fifty thousand dollars; to use the proceeds for the erection of a municipal building; and to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 35. House bill to authorize the council of the city of South Norfolk to issue and to sell bonds of the city of South Norfolk in an amount not exceeding two hundred thousand dollars, to use the proceeds for the construction of streets, sidewalks and alleys in said city; and, to provide for the levy of a tax to pay interest on said bonds and to retire the same as they mature.

No. 36. House bill to amend and re-enact an act entitled an act for the protection of fish in the waters of Tazewell county, approved February 27, 1926.

No. 37. House bill to amend and re-enact sections 2, 10 and 12 of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, section 12 of which as heretofore amended.

No. 38. House bill to amend and re-enact section 9 of an act of the General Assembly, entitled an act to provide a charter for the city of Winchester, approved April 2, 1874, as amended by an act approved April 30, 1874, as amended by an act approved February 26, 1896, as amended in section 9 and section 11 thereof, by an act approved March 5, 1900, as amended in section 9 thereof, by an act approved March 9, 1910, as amended by an act approved March 21, 1923.

No. 40. House bill to amend and re-enact sections five and six of an act approved March 12, 1908, entitled an act to incorporate the town of Branchville, Southampton county, Virginia, section six of which was amended by an act approved March 14, 1912.

No. 41. House bill to provide for the appointment of a commission to investigate and survey the sea food industry of Virginia, and to prescribe the powers and duties of the said commission; also to make certain appropriations to carry this act into effect.

No. 42. House bill to amend and re-enact section 5111 of the Code of Virginia, as amended by an act approved March 6, 1926, relating to divorces.

No. 43. House bill to provide for the building and improvement of public roads in the county of Surry, and for the appointment of district road managers in said county; and to repeal an act entitled an act to provide for the building and improvement of public roads in the county of Surry, and prescribing the powers and duties of road boards in the several magisterial districts of said county, approved February 9, 1916; and further to repeal an act entitled an act requiring each local road board in the county of Surry to publish annually detailed statements showing the receipts and expenditures of public money for highway construction and maintenance, in its respective magisterial districts, and providing a penalty for failure, approved March 24, 1926.

No. 46. House bill to provide that motor vehicle registration and number plates or a number plate issued for a succeeding license year may be used on and after December fifteenth of the year preceding the beginning of such license year, and motor vehicle registration and number plates or a number plate issued for a preceding

license year may be used during the first fifteen days of a current license year.

No. 49. House bill to amend and re-enact an act entitled an act requiring all oysters from the public rocks of the Commonwealth to be inspected when loading on vessels; measurements, tax, penalties, approved March 24, 1926.

No. 50. House bill to amend and re-enact an act entitled an act to amend and re-enact section one of an act entitled an act to authorize the county of Franklin to levy a tax not exceeding fifty cents on every one hundred dollars in value, on the property, real and personal, assessed for taxation in said county, including that within the corporate limits of any incorporated town in said county, to be used for construction of roads in the county system of roads of said county, approved March 14, 1924, and to provide compensation for supervisors acting as road foremen, approved March 18, 1926.

No. 51. House bill to amend and re-enact section 1 of an act entitled an act to amend and re-enact an act entitled an act licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth and providing for the designation of public scallop grounds, approved March 28, 1922, as amended by an act approved March 29, 1923, approved March 24, 1926, in the counties of Accomac and Northampton.

No. 52. House bill to authorize the school board of the city of Clifton Forge, Virginia, to borrow money and issue bonds for the purpose of erecting and furnishing one or more school houses and, if necessary, to purchase sites therefor, and to provide for the payment of such bonds and the interest to accrue thereon.

No. 53.. House bill to authorize and permit the council of the town of Phoebus to sell and convey certain parcels of land owned by it, no longer used by it, located in Chesapeake district, Elizabeth City county, Virginia.

No. 54. House bill to authorize the school board of the city of Hampton to borrow the sum of sixty thousand dollars (\$60,000.00) for school purposes and to issue bonds therefor subject to a vote of the people thereon, and providing for taxes to pay said bonds.

No. 55. House bill to amend and re-enact section forty-nine (49) of an act entitled an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts and parts of acts inconsistent with this act so far as they relate to the city of Roanoke, approved March 22, 1924.

No. 56. House bill to provide for the retirement of registered certificates of the State issued to schools, colleges and other organizations, by authorizing and directing the issuance and sale of two million, four hundred and sixty-eight thousand, six hundred and five dollars and eighty-five cents of bonds of the Commonwealth of Virginia; and to provide for the payment of the interest on such bonds and the principal thereof at maturity.

No. 57. House bill to amend and re-enact sections 99, 129, 136 and 137 of an act to provide a new charter for the town of Blackstone, in the county of Nottoway, approved March 27, 1914, and to repeal all other sections or parts of said act in conflict with said sections as so amended and re-enacted.

No. 60. House bill to amend and re-enact section 28 of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924.

No. 61. House bill to authorize the board of supervisors of James City county to expend certain funds upon such roads in Powhatan district of said county as it may determine; and to ratify and confirm expenditures heretofore made by it.

No. 62. House bill to amend and re-enact section 848 of the Code of Virginia, as amended by an act approved March 24, 1926, relating to conferring degrees at the Virginia Military Institute.

No. 65. House bill to authorize the council of the town of Virgilina, in the county of Halifax, to borrow money not in excess of five thousand dollars, and to issue its bonds therefor, to be used for the purpose of erecting a school building in the said town, and requiring the said council annually to levy taxes to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

No. 66. House bill to amend and re-enact section 1 of chapter 7 of an act entitled an act to incorporate the city of Danville, approved February 17, 1890, as heretofore amended.

No. 67. House bill to amend and re-enact section 17 of an act entitled an act to amend and re-enact an act approved February 28, 1918, entitled an act to amend and re-enact an act approved March 21, 1916, approved March 14, 1924, relating to Confederate pensions.

No. 68. House bill to amend and re-enact subsection (e) of section 29 of an act entitled an act to continue the office of Motor Vehicle Commissioner; to provide for his election; to prescribe his powers and duties; to protect the title of motor vehicles; to provide for the registration of titles thereto and the issuance of certificates of title; to prescribe the effect of such registration; to provide for the licensing of motor vehicles and chauffeurs; to provide penalties; and to repeal all acts and parts of acts in conflict herewith, approved March 17, 1926.

No. 70. House bill to amend and re-enact section 2 of an act entitled an act to provide increased Confederate pensions, approved March 13, 1926.

No. 71. House bill to amend and re-enact sections numbers 3, 4, 8, 12 and 13 of an act entitled an act to incorporate the town of Mineral, in the county of Louisa, approved April 2, 1902.

No. 72. House bill to authorize the town council of the town of Bluefield, Virginia, to convey, with or without consideration, certain real estate, partly within and partly without the town of Bluefield, and owned by the said town for cemetery purposes, to Maple Hill Cemetery Association, a non-stock corporation.

No. 73. House bill to amend and re-enact section 23 of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, as heretofore amended, which town has since become the city of South Norfolk; and to provide a charter for the city of South Norfolk, approved March 20, 1924.

No. 74. House bill to amend and re-enact section 3210 of the Code of Virginia, as heretofore amended, which section is in chapter 127 of the Code of Virginia, relating to fishing, especially relating to the county of Montgomery.

No. 75. House bill authorizing and empowering the State Highway Commission to construct walkway or walkways on such bridge or bridges in the State highway system as the State Highway Commission may deem necessary for the protection of pedestrian traffic.

No. 77. House bill authorizing the board of supervisors of Lee county to borrow \$40,000.00 for road purposes, and to issue bonds therefor.

No. 78. House bill authorizing the State Highway Commission to oil highways in counties and towns upon request of the proper authorities thereof and upon the payment of the cost thereof.

No. 80. House bill to amend and re-enact section 306 of the Code of Virginia, as amended by an act approved March 19, 1920, in relation to the duties of the Clerk of the House of Delegates.

No. 1. House joint resolution proposing amendment to the Constitution of Virginia.

No. 1. Senate bill to reorganize the administration of the State government in order to secure better service, and through co-ordination and consolidation, to promote economy and efficiency in the work of the government; to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency.

No. 5. Senate bill to authorize the board of vistor of the Virginia Sshool for the Deaf and Blind, to sell and convey an easement or right of way for an electric transmission line, including a telephone line, over and across certain lands belonging to said school.

No. 9. Senate bill to repeal all special road laws now in force in the county of Rockingham and to bring Rockingham county within the provisions of the general laws of the State concerning roads and highways.

No. 15. Senate bill to amend and re-enact section 4066 of the Code of Virginia, as heretofore amended, in relation to public utility

companies; and to repeal sections 4064 and 4065 of the Code of Virginia and section 1 of an act entitled "an act imposing public duties on heat, light, power, water and telephone companies, and providing for the control and regulation of such companies by the State Corporation Commission," approved March 27, 1914, as amended by acts approved March 23, 1918, March 20, 1924 and March 29, 1926.

No. 16. Senate bill to amend and re-enact an act of the General Assembly approved March 6, 1926, entitled, "an act to require the boards of supervisors of the counties and the councils or other governing bodies of cities and towns to prepare and publish annual budgets, to hold public hearings thereon, and to give publicity to proposed increases in the local tax levies; to provide for regular audits by the State Accountant in the counties, and to prescribe the duties and powers of such accountant in reference thereto," and to repeal section 2768 of the Code of Virginia.

No. 23. Senate bill to amend and re-enact section 1 of an act entitled "an act for the protection of fish in certain streams in Alleghany and Craig counties," approved February 26, 1926.

No. 24. Senate bill to amend and re-enact section 3338 of the Code of Virginia, as amended by an act approved March 10, 1926, relating to hunting, trapping; fishing and ranging upon the property of another.

No. 25. Senate bill to authorize the State Highway Commission to relocate route 18 of the State highway system, from a point about two miles south of Halifax known as Motley's Corner to the corporate limits of South Boston.

No. 29. Senate bill making it a misdemeanor to drive an automobile, or any other vehicle over or upon, or to injure or destroy any hose or equipment of a fire company and prescribing penalties therefor, in the counties of Arlington, Prince William and Fairfax.

No. 30. Senate bill giving authority to make arrests to any officer in charge of men and equipment of the fire fighting companies in Arlington, and Fairfax counties.

No. 31. Senate bill to authorize and empower the board of supervisors of Halifax county to borrow \$140,749.99, and to issue bonds therefor, for the purpose of funding the present indebtedness of the county road and maintenance fund, and gas tax fund of said county.

No. 33. Senate bill to amend and re-enact sections 19-c, 19-k, 19-r, 20, 50 and 105 of the charter of the city of Richmond, as the same may have been heretofore amended.

No. 34. Senate bill to authorize the town of Chincoteague, in the county of Accomac, to cross and maintain across certain lowlands, marshes, meadows, and waters in Accomac county, Virginia, certain pipe lines and electric lines.

No. 36. Senate bill to authorize a school census in Martinsville district, Reed Creek district and Horse Pasture district of Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five.

No. 37. Senate bill providing for the exercise of the police powers of cities of the first class by counties having a population of more than 500 per square mile, over public service corporations using the streets, roads, alleys, and other public places in such counties.

No. 38. Senate bill permitting the establishment of near-beer plants, for the manufacture of near-beer for beverage purposes, upon the petition of the city council of any city having a population of not less than one hundred thousand and not more than one hundred and thirty-five thousand; authorizing the Attorney General to issue permits therefor, requiring the giving of bond; fixing the conditions and regulations under which such near-beer may be manufactured and sold, and defining the offenses and penalties for violation of the act.

No. 39. Senate bill to amend an act approved March 22, 1924, entitled "an act to provide a new charter for the city of Roanoke and to repeal the existing charter of said city and the several acts amendatory thereof, and all other acts or parts of acts inconsistent with this act so far as they relate to the city of Roanoke," by adding thereto section No. 72.

No. 40. Senate bill to amend and re-enact an act entitled "an act for the protection of foxes in the counties of Fluvanna and Goochland and Louisa," approved March 24, 1926.

No. 41. Senate bill to authorize the county school board of Arlington county to borrow a sum not exceeding eighty-five thousand dollars, to issue notes therefor, and providing for the levying and collection of a tax for the payment of interest thereon and the principal thereof at maturity, and declaring an emergency.

No. 42. Senate bill to authorize the board of supervisors of Arlington county to borrow a sum not exceeding one hundred thousand dollars; to issue notes therefor; and to provide for the levy and collection of a tax for the payment of the interest thereon and the principal thereof at maturity.

No. 43. Senate bill to amend and re-enact an act entitled "an act to amend and re-enact section 1 of an act approved March 20, 1920, entitled an act in relation to local school taxes; and repealing sections 740 and 2721 of the Code of Virginia, as heretofore amended," approved March 25, 1926.

No. 45. Senate bill to authorize the board of supervisors of Greene county to borrow money, not in excess of ten thousand dollars (\$10,000.00), and to issue bonds of the said county therefor, for the purpose of constructing two public roads in Stanardsville and Monroe magisterial districts of said county, one extending from Stanardsville by way of Amicus and Celt to the Albemarle county line, and the other from the point of intersection with the Spotswood Trail by way of Geer to a fork in the road above J. A. Williams'.

No. 46. Senate bill to authorize the county school board of Rockbridge county, with the approval and consent of the board of supervisors of Rockbridge county, to issue school bonds not to exceed the sum of \$24,000.00, for refunding the present school debt of South

River magisterial district, and to provide for the levy of a tax to pay the interest on said bonds and to retire the same as they mature.

No. 47. Senate bill to authorize the boards of supervisors of the counties of Craig and Smyth to issue bonds or other obligations of their said counties on behalf of their said counties for the purpose of providing funds for the payment of the pro rata share of the counties of Craig and Smyth towards the initial cost of the district home for the poor for said counties to be purchased and erected in conjunction with other counties. Said loans to be secured by deeds of trust on the poor farms now owned by said counties of Craig and Smyth and to authorize the board of supervisors in said counties to levy along with the county levy in their respective counties a sufficient tax to pay the interest on said loans and to pay the said principal debt out of the proceeds of sale of said poor farms when sold. The loan to be made by the board of supervisors of Craig county not to exceed \$2,000.00 and the loan made by the board of supervisors of Smyth county not to exceed \$8,000.00.

No. 48. Senate bill to amend and re-enact section 5873 of the Code of Virginia as heretofore amended, in relation to a special court of appeals.

No. 49. Senate bill to authorize a school census in Elk Creek district, Wilson district, Old Town district and Providence district of Grayson county, Virginia, to be in lieu of the regular quinquennial census taken in said districts in nineteen hundred and twenty-five.

No. 50. Senate bill to release the United States of America from all claims for damages to the oyster or other public interests of the Commonwealth of Virginia by reason of the relocation of the improved channel of James river by the United States extending from its main channel, about four-fifths of a mile southwesterly of Mulberry Point, to its main channel, about two and three-fourths miles southwesterly of Jail Point.

No. 51. Senate bill authorizing the board of supervisors of Carroll county to appropriate and expend money to construct and maintain a certain road in Grayson county known as the "Snow Hill Road."

No. 52. Senate bill to amend section 2 of an act approved February 7, 1896, entitled an act to incorporate the town of Saltville and to repeal an act entitled "an act to incorporate the town of Saltville" approved March 8, 1894.

No. 53. Senate bill to amend and re-enact section 17 of an act entitled "an act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let the contract of the roads of said county, and levy a tax to keep the same in said repair, as amended by an act approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively, January 22, 1898, March 7, 1900, as amended by an act approved March 14, 1906, and as amended by an act approved March 15, 1910, and further amended by an act approved March 24, 1920, and further amended by an act approved March 24, 1922, and to purchase road

machinery, implements, tools and so-forth, pay of supervisors, clerk and duties of each, prescribing penalties and so-forth, and to repeal all special acts in conflict herewith," approved March 7, 1924.

No. 54. Senate bill to amend and re-enact sections 154 and 155 of the Code of Virginia, section 154 of which was amended by an act approved March 23, 1926, relating to the duty of candidates for office, section 155 of which was amended by an act approved March 21, 1924, relating to how and when ballots printed.

No. 55. Senate bill to amend and re-enact section twenty-seven (27) and section twenty-eight (28) of an act entitled "an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution," approved April 16, 1903, commonly designated as the "Tax Bill," as heretofore amended.

No. 56. Senate bill to empower the State Corporation Commission to make review and correction of its assessments of the value of the property of any transportation company, transmission company, or other public service corporation, and of its assessments of any tax upon such companies or their property.

No. 59. Senate bill to amend and re-enact section 2769 of the Code of Virginia, as heretofore amended, in relation to the compensation of supervisors.

No. 60. Senate bill validating the recordation of mechanics' lien in mechanics' lien books, and in clerk's office of hustings court, part two, of city of Richmond.

No. 61. Senate bill to amend and re-enact section 229 of the Code of Virginia, as heretofore amended, in relation to primary elections.

No. 62. Senate bill to amend and re-enact sections 2, 25 and 30 of chapter 474 of the Acts of Assembly of 1926, being an act entitled "an act to regulate the operation of vehicles on public highways to govern and protect pedestrians while using such highways; to provide penalties for violating the provisions of this act and the disposition of fines and forfeitures collected hereunder, to make uniform the law relating to the subject matter of this act, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March 25, 1926.

No. 1. Senate joint resolution proposing amendment to section 170 of the Constitution of Virginia.

MR. BEAR offered the following resolution:

Resolved that the Clerk of the House of Delegates be authorized to employ a clerk to assist in the completion of the work of the session and a janitor at \$35.00 per month to be paid out of the contingent fund of the House upon warrant of the clerk and approved by the SPEAKER, which was agreed to.

MR. JEFFREYS offered the following joint resolution:

Resolved by the House of Delegates (the Senate concurring), that a committee of three on the part of the House and two on the

part of the Senate be appointed to inform the Governor that the General Assembly is ready to adjourn *sine die*, and to inquire if he has any communication to make; which was agreed to.

Ordered that MR. JEFFREYS carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by MR. HOLLADAY who informed the House that the Senate had agreed to the joint resolution.

THE SPEAKER appointed MESSRS. JEFFREYS, BARTON and FOLKES, the committee on the part of the House.

The committee subsequently reported that they had waited upon the Governor and had been informed by him that he had no communication to make to the General Assembly.

Ordered that MR. DAVIS inform the Senate that the House is ready on its part to adjourn *sine die*.

A message was received from the Senate by MR. VAUGHAN, who informed the House that the Senate is ready on its part to adjourn *sine die*.

On motion of MR. FULLER, the SPEAKER, at 12:36 o'clock P. M., declared the House adjourned *sine die*.

THOS. W. OZLIN,
Speaker of the House of Delegates.

JOHN W. WILLIAMS,
Clerk of the House of Delegates.

ERRATA

Page 39, last line, strike out words "agreed to" and insert "rejected."

Page 210, line 5 from top of page, "was referred to" should be "was reported from."

Page 225, line 16 from bottom, after "special" add "court of appeals."

Page 274, at end of last line, add "came up."

STATE OFFICERS

HARRY FLOOD BYRD.....	Governor
JUNIUS E. WEST.....	Lieutenant Governor and President of the Senate
JOHN R. SAUNDERS.....	Attorney General
M. A. HUTCHINSON*.....	Secretary of the Commonwealth
C. LEE MOORE.....	Auditor of Public Accounts
ROSEWELL PAGE.....	Second Auditor
JOHN M. PURCELL.....	State Treasurer
BERKELEY D. ADAMS, Chairman.....	} State Corporation Commission
H. LESTER HOOKER.....	
LOUIS S. EPES.....	
HARRIS HART.....	Superintendent of Public Instruction
WILLIAM WILSON SALE.....	The Adjutant General
G. W. KOINER.....	Commissioner of Agriculture
JOHN HOPKINS HALL, JR.....	Commissioner of Labor
DAVIS BOTTOM.....	Superintendent of Public Printing
H. R. MCILWAINE.....	State Librarian
RICE M. YUELL.....	Superintendent of Penitentiary
JOSEPH BUTTON.....	Commissioner of Insurance
M. E. BRISTOW.....	Chief Bank Examiner
H. G. SHIRLEY.....	Chairman State Highway Commission
ENNION G. WILLIAMS.....	State Health Commissioner
HARRY R. HOUSTON.....	Commissioner of Fisheries
A. WILLIS ROBERTSON.....	Commissioner of Game and Inland Fisheries
FRANK BANE.....	Commissioner of Public Welfare
WM. F. SMYTH.....	State Accountant
C. H. MORRISSETT.....	State Tax Commissioner
JNO. W. WILLIAMS.....	Clerk House of Delegates and Keeper of the Rolls of Virginia
O. V. HANGER.....	Clerk of the Senate
HARRY B. SMITH.....	Prohibition Enforcement Officer
CHAS. A. OSBORNE.....	Purchasing Agent
BOLLING H. HANDY, Chairman.....	} Industrial Commission
CHAS. G. KIZER.....	
PARKE P. DEANS.....	
D. M. BLANKENSHIP.....	Director Rehabilitation Bureau
JAMES M. HAYES, JR.....	Motor Vehicle Commissioner
W. W. SAVEDGE.....	Superintendent of Buildings and Grounds

*Appointed May 2, 1927, to fill vacancy occasioned by death of Col. B. O. JAMES

THE HOUSE OF DELEGATES

A list showing names of members, their postoffice, city or county in which they reside, and telegraph and express office. Arranged alphabetically.

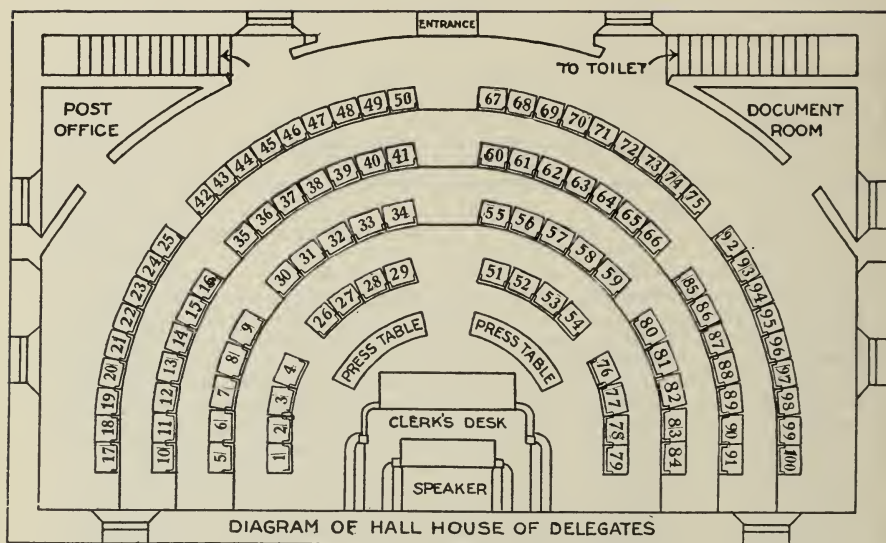
NAME	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE	EXPRESS OFFICE
ADAMS, SAMUEL L.....	Cluster Springs..	Halifax.....	Cluster Springs..	Cluster Springs
ALLMAN, J. BRADIE.....	Rocky Mount.....	Franklin.....	Rocky Mount.....	Rocky Mount
BARTON, ROBERT T.....	Winchester.....	Frederick.....	Winchester.....	Winchester
BEAR, JAMES A.....	Roanoke.....	Roanoke city..	Roanoke.....	Roanoke.
BIRD, GEORGE T.....	Bland.....	Bland.....	Bastain.....	Bastain.
BIRD, W. W.....	Lebanon.....	Russell.....	Lebanon.....	Lebanon.
BOLLING, ALBERT S.....	Charlottesville..	Albemarle.....	Charlottesville..	Charlottesville
BOLTON, F. D.....	Fincastle.....	Botetourt.....	Troutville.....	Troutville.
BOOKER, SALLIE C.....	Martinsville.....	Henry.....	Martinsville.....	Martinsville.
BOSCHEN, ALBERT O.....	Richmond.....	Richmond city..	Richmond.....	Richmond.
BOWLES, GEORGE A.....	Tabsco.....	Goochland.....	Columbia.....	Columbia.
BOYD, E. THURMAN.....	Lynchburg.....	Lynchburg.....	Lynchburg.....	Lynchburg.
BOYD, I. C.....	Putnam.....	Russell.....	Honaker.....	Honaker.
BRENEMAN, JOHN R.....	Fulk's Run.....	Rockingham.....	Broadway.....	Broadway.
BREWER, RICHARD L., JR.....	Suffolk.....	Nansemond.....	Suffolk.....	Suffolk.
BROWN, J. SINCLAIR.....	R. F. D. 4, Roa- noke.....	Roanoke.....	Salem.....	Salem.
BRUCE, J. BASIL.....	Farmville.....	Prince Edward..	Farmville.....	Farmville.
CARTER, SAMUEL R.....	Ashland.....	Hanover.....	Ashland.....	Ashland.
CATO, W. R.....	North Emporia..	Greensville.....	Emporia.....	Emporia.
COINER, HOMER B.....	Waynesboro.....	Augusta.....	Waynesboro.....	Waynesboro.
COLE, P. L.....	Chilhowie.....	Washington.....	Chilhowie.....	Chilhowie
COLEMAN, I. NEWTON.....	Ford.....	Dinwiddie.....	Ford.....	Ford.
DAVIS, Q. C., JR.....	South Norfolk..	Norfolk.....	South Norfolk..	South Norfolk
DIGGS, GILBERT L.....	Mathews.....	Mathews.....	Peary.....	Williams' Wharf
DOOSING, W. T.....	Shawsville.....	Montgomery.....	Shawsville.....	Shawsville.
DOVELL, ASHTON.....	Williamsburg.....	Williamsburg.....	Williamsburg.....	Williamsburg.
FAIN, SARAH LEE.....	Norfolk.....	Norfolk city..	Norfolk.....	Norfolk.
FOLKES, E. C.....	Richmond.....	Richmond city..	Richmond.....	Richmond.
FULLER, EDWARD R.....	Richmond.....	Richmond city..	Richmond.....	Richmond.
GARY, J. VAUGHAN.....	Richmond.....	Richmond city..	Richmond.....	Richmond.
GEORGE, THOMAS J.....	Stuart.....	Patrick.....	Stuart.....	Stuart.
GORDON, R. LINDSAY, JR.....	Louisa.....	Louisa.....	Louisa.....	Louisa.
GRAHAM, JOHN T.....	Wytheville.....	Wythe.....	Wytheville.....	Wytheville.
GRAVES, L. W.....	Liberty Mills..	Orange.....	Somerset.....	Somerset.
HAILEY, W. E.....	Keysville.....	Charlotte.....	Keysville.....	Keysville.
HALL, WILBUR C.....	Leesburg.....	Loudoun.....	Leesburg.....	Leesburg.
HAMNER, E. M.....	Ammon.....	Amelia.....	Ford.....	Ford.
HANES, H. EARLTON.....	Herndon.....	Fairfax.....	Herndon.....	Herndon.
HARMAN, K. E.....	Pulaski.....	Pulaski.....	Pulaski.....	Pulaski.
HICKS, E. A.....	Evington.....	Campbell.....	Evington.....	Evington.
HORNER, W. A.....	R. F. D. 8, Rich- mond.....	Chesterfield.....	Richmond.....	Richmond.
JEFFREYS, ROBERT L.....	Chase City.....	Mecklenburg.....	Chase City.....	Chase City.
JESSE, CHARLES T.....	Clarendon.....	Arlington.....	Clarendon.....	Rosslyn.
JOHNSON, A. S.....	Isle of Wight.....	Isle of Wight.....	Isle of Wight.....	Windsor.
JONES, CLARENCE A.....	Fredericksburg..	Spotsylvania.....	Fredericksburg..	Fredericksburg.
JONES, EDWIN B.....	Monterey.....	Highland.....	Monterey.....	Staunton.
JONES, JAMES P.....	Richmond.....	Richmond city..	Richmond.....	Richmond.
JORDAN, A. L.....	Norfolk.....	Norfolk city..	Norfolk.....	Norfolk.
KEEZELL, GEORGE B.....	Keezeltown.....	Rockingham.....	Keezeltown.....	Keezeltown.
KELLY, NEHEMIAH.....	Mt. Jackson.....	Shenandoah.....	Mt. Jackson.....	Mt. Jackson.
LYON, GEORGE P.....	Woodford.....	Caroline.....	Woodford.....	Woods Lane.
MALBON, J. T.....	Princess Anne..	Princess Anne..	Munden Point..	Princess Anne.

THE HOUSE OF DELEGATES—CONTINUED

NAME	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE	EXPRESS OFFICE
MASON, GEORGE.....	Colonial Beach.....	Westmoreland.....	Colonial Beach.....	Colonial Beach.
MASSENBURG, G. ALVIN.....	Hampton.....	Elizabeth City.....	Hampton.....	Hampton.
MILSTEAD, E. W.....	Newport News.....	Newport News.....	Newport News.....	Newport News.
MOFFETT, W. STUART.....	Staunton.....	Augusta.....	Staunton.....	Staunton.
MOORE, FRANK.....	Lexington.....	Rockbridge.....	Lexington.....	Lexington.
MUGLER, CHAS. W.....	Newport News.....	Newport News.....	Newport News.....	Newport News.
NICKELS, W. H., JR.....	Clintwood.....	Dickenson.....	Freemont.....	Freemont.
NORRIS, ROBERT O., JR.....	Lively.....	Lancaster.....	Lively.....	Ottoman.
OZLIN, THOMAS W.....	Kenbridge.....	Lunenburg.....	Kenbridge.....	Kenbridge.
PAGE, VIVIAN L.....	Norfolk.....	Norfolk city.....	Norfolk.....	Norfolk.
PARKER, ROBERT R.....	Appalachia.....	Wise.....	Appalachia.....	Appalachia.
PARKER, WM. A.....	Forest.....	Bedford.....	Goode.....	Goode.
PIERCE, GEORGE F.....	Seven Mile Ford.....	Smyth.....	Seven Mile Ford.....	Seven M. Ford.
PRICE, JAMES H.....	Richmond.....	Richmond city.....	Richmond.....	Richmond.
RAMEY, J. T.....	Marshall.....	Fauquier.....	Marshall.....	Marshall.
REW, J. HARRY.....	Parksley.....	Accomac.....	Parksley.....	Parksley.
RODGERS, SAMUEL D.....	Petersburg.....	Petersburg.....	Petersburg.....	Petersburg.
SAUNDERS, W. CONWAY.....	Richmond.....	Henrico.....	Richmond.....	Richmond.
SAVEDGE, GEORGE A.....	Alliance.....	Surry.....	Alliance.....	Surry.
SEBRELL, WILLIAM J.....	Courtland.....	Southampton.....	Courtland.....	Courtland.
SHEPHERD, HUGH D.....	Chatham.....	Pittsylvania.....	Chatham.....	Chatham.
SHRADER, LUCIAN H.....	Amherst.....	Amherst.....	Amherst.....	Amherst.
SINCLAIR, C. A.....	Manassas.....	Prince William.....	Manassas.....	Manassas.
SMITH, CHARLES HENRY.....	Alexandria.....	Alexandria.....	Alexandria.....	Alexandria.
SMITH, H. T.....	Independence.....	Grayson.....	Galax.....	Fries.
SMITH, J. SWANSON.....	Hillsville.....	Carroll.....	Hillsville.....	Sylvatus.
SNEAD, E. A.....	Clifton Forge.....	Alleghany and Clifton Forge.....	Clifton Forge.....	Clifton Forge.
SPEERS, H. W. GRADY.....	Churchland.....	Norfolk.....	Portsmouth.....	Portsmouth.
STICKLEY, F. R.....	Hagan.....	Lee.....	Hubbard Spgs.....	Hubbard Spgs.
TAYLOR, J. MITCHELL.....	Rye Cove.....	Scott.....	Clinchport.....	Clinchport.
TOPPING, J. WARREN.....	Cape Charles.....	Northampton.....	Cape Charles.....	Cape Charles.
TUCK, WILLIAM M.....	South Boston.....	Halifax.....	South Boston.....	South Boston.
VELLINES, W. W.....	Norfolk.....	Norfolk city.....	Norfolk.....	Norfolk.
WALLER, S. GARDNER.....	Front Royal.....	Warren.....	Front Royal.....	Front Royal.
WARREN, C. R.....	Chatham.....	Pittsylvania.....	Chatham.....	Chatham.
WARREN, GEO. M.....	Bristol.....	Bristol.....	Bristol.....	Bristol.
WARREN, LLOYD E.....	Portsmouth.....	Portsmouth.....	Portsmouth.....	Portsmouth.
WATKINS, HENRY B.....	Danville.....	Pittsylvania and Danville.....	Danville.....	Danville.
WATTS, L. LOUIS.....	Charlottesville.....	Albemarle.....	Charlottesville.....	Charlottesville.
WEEKS, KYLE M.....	Floyd.....	Floyd.....	Christiansburg.....	Christiansburg.
WESSON, H. C.....	Lawrenceville.....	Brunswick.....	Lawrenceville.....	Lawrenceville.
WILLIAMS, J. G.....	Culpeper.....	Culpeper.....	Culpeper.....	Culpeper.
WITTEN, J. W.....	North Tazewell.....	Tazewell.....	Tazewell.....	Tazewell.
WOOD, CLAUDE R.....	Dillwyn.....	Buckingham.....	Dillwyn.....	Dillwyn.
WRIGHT, EARL H.....	Portsmouth.....	Portsmouth.....	Portsmouth.....	Portsmouth.
WRIGHT, JOHN W.....	Roanoke.....	Roanoke city.....	Roanoke.....	Roanoke.
WRIGHT, WM. A.....	Tappahannock.....	Essex.....	Tappahannock.....	Tappahannock.
YOUNG, P. B.....	Shipman.....	Nelson.....	Shipman.....	Shipman.

OFFICERS OF THE HOUSE

NAME	OFFICE	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE
OZLIN, THOMAS W.....	Speaker.....	Kenbridge.....	Lunenburg.....	Kenbridge.
WILLIAMS, JOHN W.....	Clerk.....	Pearisburg.....	Giles.....	Pearisburg.
GREENE, GEO. O.....	Assistant Clerk.....	Clifton Forge.....	Clifton Forge.....	Clifton Forge.
LIVESAY, A. D.....	Journal Clerk.....	Richmond.....	Richmond city.....	Richmond.
JEWETT, C. E.....	Reading Clerk.....	Richmond.....	Richmond city.....	Richmond.
BOOTH, L. D.....	Engrossing Clerk.....	Charlottesville.....	Charlottesville.....	Charlottesville
GARNETT, H. T.....	Enrolling Clerk.....	Tetotum.....	King George.....	Spy Hill.
LILLISTON, W. J.....	Committee Clerk.....	Parksley.....	Accomac.....	Parksley.
BROWN, ROY K.....	Committee Clerk.....	Salem.....	Roanoke.....	Salem.
BERMAN, M.....	Committee Clerk.....	Norfolk.....	Norfolk city.....	Norfolk.
HEATON, N. R.....	Committee Clerk.....	Purcellville.....	Loudoun.....	Purcellville.
KING, CABELL.....	Committee Clerk.....	Palmyra.....	Fluvanna.....	Columbia.
VAUGHAN, H. M.....	Committee Clerk.....	South Boston.....	Halifax.....	South Boston.
WILLIAMS, A. C.....	Journal Copyist.....	Richmond.....	Richmond city.....	Richmond.
JOHNSTON, J. M.....	Sergeant-at-Arms.....	Murat.....	Rockbridge.....	Lexington.
FITZHUGH, WM. B.....	Doorkeeper.....	Machipongo.....	Northampton.....	Machipongo.
TRUSLOW, C. A.....	Second Doorkeeper.....	Falmouth.....	Stafford.....	Fredericksburg.
MONCURE, R. T.....	Gallery Doorkeeper.....	Richmond, RFD.....	Henrico.....	Richmond.
GRAY, JOHN C.....	Page.....	Abingdon.....	Washington.....	Abingdon.
LONG, LOREN.....	Page.....	Louisa.....	Louisa.....	Louisa.
GREENE, BURNLEY C.....	Page.....	Clifton Forge.....	Clifton Forge.....	Clifton Forge.
JONES, WINSTON.....	Page.....	Chatham.....	Pittsylvania.....	Chatham.
BOLTON, WARREN L.....	Page.....	Fincastle.....	Botetourt.....	Fincastle.
TARRANT, JOHN G.....	Page.....	King William.....	King William.....	White Shop.
WRIGHT, FRANK.....	Page.....	Portsmouth.....	Portsmouth.....	Portsmouth.
CHRISTIAN, FRANK.....	Page.....	Newport News.....	Newport News.....	Newport News.
SPALDING, GEORGE.....	Page.....	Chase City.....	Mecklenburg.....	Chase City.
KENDIG, EDWIN.....	Page.....	Victoria.....	Lunenburg.....	Victoria.
MONCURE, WILLIAM.....	Page.....	Stafford.....	Stafford.....	Brooke Station.
BRITTS, WILLIAM, JR.....	Page.....	Tazewell.....	Tazewell.....	Tazewell.
BOYD, EUGENE G.....	Page.....	Richmond.....	Richmond city.....	Richmond.
ERGENS, MELLWOOD.....	Page.....	Richmond.....	Richmond city.....	Richmond.



ALPHABETICAL LIST OF MEMBERS OF THE HOUSE OF DELEGATES, SHOWING NUMBER OF SEAT

THOS. W. OZLIN, *Speaker*

Adams, Samuel L.....	67	Dovell, Ashton.....	40	Lyon, Geo. P.....	44	Smith, H. T.....	99
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Booker, Sallie C.....	60	Graves, L. W.....	10	Nickels, W. H., Jr.....	19	Vellines, W. W.....	13
Boschen, Albert O.....	4	Hailey, W. E.....	47	Norris, Robert O., Jr.....	33	Waller, S. Gardner.....	23
Bowles, George A.....	87	Hall, Wilbur C.....	52	Page, Vivian L.....	73	Warren, C. R.....	51
Boyd, E. Thurman.....	11	Hamner, E. M.....	49	Parker, Robert R.....	75	Warren, Geo. M.....	84
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Breneman, John R.....	21	Harman, K. E.....	63	Pierce, George F.....	97	Watkins, Henry B.....	89
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Signed by Speaker.....	314

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Signed by Speaker.....	314
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Signed by Speaker.....	314
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Signed by Speaker.....	316

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Signed by Speaker.....	320

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Signed by Speaker.....	314
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Signed by Speaker.....	244

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Signed by Speaker.....	317

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Signed by Speaker.....	318

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Read second time and engrossed.....	177
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Signed by Speaker.....	315

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H. B. 37 therefor, reported.....	78
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HOUSE DOCUMENT A

Contingent and Incidental Expenses

HOUSE OF DELEGATES

Since Report in the Journal of 1926

1926		
May 1.	To paid S. Goddin, janitor, services for April.....	\$ 35 00
May 26.	To paid A. C. Williams for one-half cost of enrollment of bills, session 1926.....	553 23
June 1.	To paid S. Goddin, janitor, services for May.....	35 00
June 1.	To paid Joseph W. Stewart, postmaster, for stamps for mailing Sesqui-Centennial invitations.....	20 00
June 21.	To paid Joseph W. Stewart, postmaster, box rent.....	3 00
June 29.	To paid Chesapeake and Potomac Telephone Company rent and tolls.....	34 90
July 1.	To paid S. Goddin, janitor, services for June.....	35 00
Aug. 1.	To paid S. Goddin, janitor, services for July.....	35 00
Aug. 21.	To paid Joseph W. Stewart, postmaster, stamps.....	20 00
Sept. 1.	To paid S. Goddin, janitor, services for August.....	35 00
Sept. 21.	To paid Joseph W. Stewart, postmaster, box rent.....	3 00
Oct. 1.	To paid S. Goddin, janitor, services for September.....	35 00
Nov. 1.	To paid S. Goddin, janitor, services for October.....	35 00
Dec. 1.	To paid S. Goddin, janitor, services for November.....	35 00
Dec. 1.	To paid Chesapeake and Potomac Telephone Company for rent and tolls.....	41 50
Dec. 1.	To paid Miss L. M. Krouse, lithia water, June to December.....	14 50
Dec. 1.	To paid W. W. Foster for frame for House of Delegates group.....	27 50
Dec. 1.	To paid the Michie Company for supplement to Code.....	6 00
Dec. 22.	To paid Joseph W. Stewart, postmaster, box rent.....	3 00
1927		
Jan. 1.	To paid S. Goddin, janitor, services for December, 1926.....	35 00
Feb. 1.	To paid S. Goddin, janitor, services for January.....	35 00
Feb. 25.	To paid Joseph W. Stewart, postmaster, for stamps.....	20 00
Mar. 1.	To paid S. Goddin, janitor, services for February.....	35 00
Mar. 4.	To paid Chesapeake and Potomac Telephone Company for rent and tolls.....	51 50
Mar. 4.	To paid The Bell Book and Stationery Company for office supplies.....	24 50
Mar. 4.	To paid Edgar M. Andrews for one-half cost of re-installation of telephone system between Senate and House.....	132 64
Mar. 4.	To paid Miss L. M. Krouse for lithia water.....	5 00
Mar. 4.	To paid Sydnor & Hundley for shade and furniture polish.....	6 70
Mar. 4.	To paid Hill Directory Company for 1927 Directory.....	15 00
Mar. 15.	To paid S. Goddin for ten days' service in cleaning up House and committee rooms before extra session.....	48 00
Mar. 15.	To paid Joseph W. Stewart, postmaster, for box rent.....	3 00

For the Extra Session of 1927 Under Resolution of March 30, 1927

Mar. 31.	To paid A. C. Williams, Journal copyist, for attendance two weeks to March 29, 1927.....	\$112 00
Mar. 31	To paid R. T. Moncure, gallery doorkeeper, for attendance two weeks to March 29, 1927.....	70 00
Mar. 31.	To paid S. Goddin, janitor, for attendance two weeks to March 29, 1927.....	56 00
Mar. 31.	To paid S. Goddin, Jr., assistant janitor, for attendance two weeks to March 29, 1927.....	56 00
Mar. 31.	To paid E. E. Giovannetti, assistant janitor, for attendance two weeks to March 29, 1927.....	56 00
Mar. 31.	To paid Chas. F. Thompson, electrician, for attendance two weeks to March 29, 1927.....	100 00
Mar. 31.	To paid S. Goddin, janitor, for cash advanced W. D. Downey for washing windows House of Delegates.....	4 75
Apr. 2.	To paid Drewry Miles, assistant elevator conductor, for attendance one week to March 22, 1927.....	30 00
Apr. 5.	To paid A. C. Williams, Journal copyist, for attendance one week to April 5, 1927.....	56 00
Apr. 5.	To paid R. T. Moncure, gallery doorkeeper, for attendance to April 5, 1927.....	35 00
Apr. 5.	To paid S. Goddin, janitor, for attendance one week to April 5, 1927.....	28 00
Apr. 5.	To paid S. Goddin, Jr., assistant janitor, for attendance one week to April 5, 1927.....	28 00
Apr. 5.	To paid E. E. Giovannetti, assistant janitor, for attendance one week to April 5, 1927.....	28 00
Apr. 5.	To paid Chas. F. Thompson, electrician, for attendance one week to April 5, 1927.....	50 00
Apr. 15.	To paid A. C. Williams, Journal copyist, for attendance ten days' to April 15, 1927.....	80 00
Apr. 15.	To paid R. T. Moncure, gallery doorkeeper, for attendance one week to April 12, 1927.....	35 00
Apr. 15.	To paid S. Goddin, janitor, for attendance ten days to April 15, 1927.....	40 00
Apr. 15.	To paid S. Goddin, Jr., assistant janitor, for attendance ten days to April 15, 1927.....	40 00
Apr. 15.	To paid E. E. Giovannetti, assistant janitor, for attendance one week to April 12, 1927.....	28 00
Apr. 15.	To paid J. E. Hyatt for extra service in cleaning old hall House of Delegates.....	4 00
Apr. 15.	To paid R. P. Dansey for extra service in cleaning old hall House of Delegates.....	4 00
Apr. 15.	To paid Thompson Voting Machine Company for electric gong, push buttons, etc.....	31 36
Apr. 15.	To paid Virginia Stationery Company for pensils, pen points, rubber bands, etc.....	16 90
Apr. 15.	To paid National Sign Service Company for ten cards with names of four new members.....	1 00
Apr. 15.	To paid L. H. Noble for repairing chairs in the House of Delegates.....	5 00
Apr. 15.	To paid Remington Typewriter Company for half-dozen ribbons and typewriter supplies.....	4 20
Apr. 15.	To paid Richmond Paper Company for 25,000 drinking cups.....	78 75
Apr. 15.	To paid Sydnor & Hundley, Inc., for rent of ten-dozen chairs and polish.....	31 50
Apr. 15.	To paid Everett Waddey Company for engraving letter heads and envelopes for members of House of Delegates.....	687 00

Apr. 15.	To paid Schermerhorn Electric Company for one hundred and six frosted lights and labor.....	\$ 35 80
Apr. 15.	To paid Howell Bros., for brooms, mops, door mats, keys, repairing locks, etc.....	54 25
Apr. 15.	To paid The Bell Book and Stationery Company for carbon paper, binders, ink, paste, blank paper, etc.....	159 80
Apr. 15.	To paid the following officers and employees of the House of Delegates for extra compensation as per resolution April 9, 1927:	
	Wm. B. Fitzhugh, doorkeeper.....	50 00
	C. A. Truslow, second doorkeeper.....	50 00
	Geo. O. Greene, assistant clerk.....	50 00
	A. D. Livesay, Journal clerk.....	50 00
	C. E. Jewett, reading clerk.....	50 00
	L. D. Booth, engrossing clerk.....	50 00
	H. T. Garnett, enrolling clerk.....	50 00
	W. L. Lilliston, committee clerk.....	50 00
	N. R. Heaton, committee clerk.....	50 00
	M. Berman, committee clerk.....	50 00
	Cabell King, committee clerk.....	50 00
	H. M. Vaughan, committee clerk.....	50 00
	John C. Gray, page.....	25 00
	Burnley C. Green, page.....	25 00
	Loren Long, page.....	25 00
	Winston Jones, page.....	25 00
	Warren L. Bolton, page.....	25 00
	Frank Wright, page.....	25 00
	William Moncure, page.....	25 00
	Edwin Kendig, page.....	25 00
	William Britts, Jr., page.....	25 00
	Frank Christian, page.....	25 00
	George Spaulding, page.....	25 00
	Geo. E. Tarrant, page.....	25 00
	Eugene G. Boyd, page.....	25 00
	Mellwood Ergens, page.....	25 00
	Edwin Hale, page.....	25 00
	Miss Helen L. Chappell, typist.....	25 00
	R. T. Moncure, gallery doorkeeper.....	25 00
	S. Goddin, janitor.....	25 00
	S. Goddin, Jr., assistant janitor.....	25 00
	E. E. Giovannetti, assistant janitor.....	25 00
	Chas. F. Thompson, electrician.....	25 00
Apr. 15.	To paid the following employees at the capitol under resolution April 9, 1927:	
	C. C. Hardy, elevator conductor.....	25 00
	Drewry Miles, elevator conductor.....	25 00
	Geo. W. Haynes, for the six capitol policemen at \$25.00 each..	150 00
	F. P. Jones, for the seven engineers and firemen at the plant at \$25.00 each.....	175 00
	W. L. Garnett, State flag janitor.....	25 00
	J. E. Hyatt, janitor.....	25 00
	R. P. Dansey, janitor.....	25 00
Apr. 15.	To paid Drewry Miles, elevator conductor, for balance due on salary to April 12, 1927.....	20 00
Apr. 18.	To paid H. T. Garnett for extra clerical assistance at close of extra session.....	16 00

Reorganization of the Government of Virginia

Address of

HARRY F. BYRD, Governor



Delivered Before the

General Assembly of Virginia

Extra Session

Wednesday, March 16, 1927

RICHMOND:

DAVIS BOTTOM, SUPERINTENDENT OF PUBLIC PRINTING

1927

The Reorganization of the Government of Virginia

Mr. President, Mr. Speaker, Members of the General Assembly of Virginia:

It is a serious responsibility that I must assume in calling you from your homes and your private business to assemble in extraordinary session to consider urgent business of the State. Unless this public business were indeed urgent I would not be justified in thus interfering with your convenience or in imposing upon the State the expense of this extra session.

Two notable reports of two commissions and a report by business specialists offer the General Assembly the opportunity to simplify governmental processes and enable substantial savings of public funds. This saving will not be made at the cost of efficiency, but the changes proposed will promote efficiency.

A program for the consolidation of governmental departments and simplification of governmental processes has been reported for your consideration by the Citizens' Commission of which Mr. William T. Reed is chairman.

The enactment of some of the laws necessary to carry out the recommendations of the Reed Commission require amendments to the Constitution and two years would be lost were we to defer action upon constitutional changes until the regular session convening next winter. This was pointed out quite clearly by the Commission to Suggest Amendments to the Constitution, of which Hon. Robert R. Prentis, President of the Supreme Court of Appeals of Virginia, is chairman. The report of that commission was directed by you to be made to the regular session of 1928, but a report made to that session would make it impossible to submit the amendments to popular vote before the November election of 1930. The commission itself realized that this delay should be reduced and pointed out that two years could be saved if the General Assembly in extra session this spring could initiate proposed amendments to the Constitution and suggested that you be convened in extra session. This commission undertook to have its report ready and kept its promise by publishing its report nearly thirty days ago.

All of these reasons for calling you in extra session were set forth by me in a statement published on January 24, 1927. I was supported in my opinion that you should be convened by expressions made by members of both the Reed and the Prentis Commissions, members of the Senate and House, and other men and women of public spirit who are interested in the progress of Virginia.

PUBLICITY GIVEN REPORTS

Seldom in our recent history have two reports come from commissions with recommendations of such importance to Virginia. Obviously the people should have ample opportunity to read, understand and digest these recommendations. I have given unusual publicity to both of these reports and have taken the following steps to this end:

(1) Thousands of printed copies of both the Reed report and the Prentis report have been mailed directly to citizens in every section.

(2) The Prentis report on the Constitution has been mailed to every lawyer in the State in a form showing clearly the existing sections of the Constitution, the proposed changes, and the reasons therefor.

(3) A clear and concise summary of the constitutional changes have also been mailed to many persons in the State.

(4) Unusual care was taken to give both of these reports to the press, and the press has given unusual publicity to them both in the news and editorial columns.

(5) I called a conference of all editors of Virginia papers and gave them the benefit of explanations of these reports by the chairman of the two commissions, as well as by some members of these commissions.

Consolidation and simplification of our State government is not a new suggestion. Able men made a valuable report in 1918, followed by another splendid report in 1924. The public has been prepared for these reforms of government by years of intermittent discussion; they have already been delayed too long, and the welfare of Virginia requires careful yet courageous action.

I welcome you, therefore, to do a great service to this State, a service that will involve the completion of some measures you initiated at your last session and the initiation of other measures that must be completed at the next regular session.

THE WORK OF THE LAST GENERAL ASSEMBLY

As you begin your labors, I would recall to the public the notable record for constructive legislation you made at the last session. It must encourage you to see already the beneficent fruits of this legislation:

(1) The new tax laws, affecting 123 local units and all of our taxpayers, have accomplished more even than we expected:

(a) The deficit has been converted into a surplus:

(b) Direct tax reduction will be enjoyed in 1927 by a large majority of our taxpayers;

(c) The requirement and publication of local budgets that must precede local expenditures will tend to keep down local taxes.

(2) Road construction you expedited under the pay-as-you-go plan.

(3) The fund you provided to advertise Virginia, the measures you adopted to manifest the progress of Virginia, have attracted national attention and new people and new industries.

(4) By consolidation and simplification you eliminated many useless offices and saved public money.

(5) Many sound principles of governmental administration were instituted.

(6) You greatly improved the fee system, reduced the maximum limit received by all local officers, and provided for publicity that will enable the people to understand the exact compensation these officers receive.

(7) You provided for a survey of our State and local governments in order that you might now legislate in the light of the facts carefully and capably ascertained.

(8) You provided for a study of the Constitution in order that amendments might be framed that are essential to the enactment of measures necessary to our progress and to make our governmental machinery operate better for less money.

These and other things make up the full measure of a legislative accomplishment that has won high praise for your work in the last session. I am grateful that I was privileged to be your companion in much of your work and am happy that we may press on to complete a progressive program that promises even greater benefits to Virginia.

SIMPLIFICATION AND RETRENCHMENT

My experience in business and in the State Senate convinces me that substantial public funds can be saved and efficiency promoted by a simplification of our State and local governmental machinery. But we lacked information in detail, and this information could be best obtained by a study of our State and local governments by outside experts whose impartiality could not be well questioned. From a survey so prepared I was convinced that a commission of representative Virginia men and women familiar with our problems could adopt and adapt the recommendations suitable to our conditions. We thus obtained the ability of disinterested business specialists and the common sense and local knowledge of Virginia citizens of practical affairs.

In my message of February 3, 1926, I asked you for \$15,000 with which to employ the specialists to make this survey. The importance of the work impressed you and you appropriated \$25,000. Approximately \$20,000 will be required for all expenses of the survey of both State and local governments.

After careful investigation, including communications with State Governors and city mayors familiar with the work of the Bureau of Municipal Research of New York City, I selected this organization to make the survey.

The report of this commission has been printed by the State. It is one of the most complete surveys ever made of a State in this Union. While I do not agree with all of its recommendations nor sympathize with some of its criticisms, I am impressed by its grasp of complicated facts, its clear analysis of those facts and its helpful suggestions of constructive legislation.

To consider the recommendations of the Bureau of Municipal Research, the State was fortunate in the intelligence, character and good sense of the commission of citizens appointed from every section and in the fine public spirit that moved one of our business leaders, Mr. William T. Reed, to place this public business before his private affairs and to devote for the benefit of the State the industry and executive capacity that he has shown in the successful conduct of his own business.

Mr. Reed and the commission deserve the appreciation of the Commonwealth, and I, as Governor, extend this appreciation to the following men and women who constitute the Citizens' Efficiency Commission:

W. T. Reed, of Richmond, chairman; Shirley Carter, of Winchester; George B. Keezell, of Harrisonburg; D. H. Barger, of Shawsville; Charles A. Miller, of Free Union; Luke C. Bradley, of Richmond; Allen Saville, of Richmond; Robert H. Angell, of Roanoke; Richard Crane, of Westover; George A. Lambert, of Rural Retreat; Robert D. Ford, of Richmond; Dr. Douglas Freeman, of Richmond; T. S. Southgate, of Norfolk; N. D. Maher, of Roanoke; Jonathan Bryan, of Richmond; Dr. John Garland Pollard, of Williamsburg; C. W. Grandy, of Norfolk; B. T. Gunter, of Accomac; J. B. Fishburn, of Roanoke; S. L. Slover, of Norfolk; C. M. Hunter, of Pounding Mill; A. E. Shumate, of Pearisburg; Homer L. Ferguson, of Newport News; T. A. Saunders, of Ivor; Francis Bell, of Dublin; Mrs. Martha Rivers Adams, of Lynchburg; Miss Sallie Haskins, of Danville; Mrs. Carry E. Sykes, of Portsmouth; Mrs. N. Montgomery Osborne, 1011 Westover avenue, Norfolk; J. Scott Parrish, of Richmond; Dr. Robert H. Tucker, of Lexington; Mrs. W. W. Townes, Jr., of Petersburg; Clyde H. Ratcliffe, of Richmond; Herbert F. Hutcheson, of Boynton; Mrs. A. P. Staples, Jr., of Roanoke; J. D. Hofheimer, of Norfolk; Lawrence S. Davis, of Roanoke; Charles R. McCann, of Winchester; William P. Woolls, of Alexandria.

I now lay before you the report of this commission and the report of the Bureau of Municipal Research.

With minor exceptions I endorse the recommendations made by the Citizens' Commission. I do not, however, endorse the suggestion made to establish State standards for milk paramount to standards set up by localities. If any legislation is enacted on this subject the State should establish minimum standards only, with the right to the localities to establish other standards if it is desired to do so. In these two reports we have the plans for an improved ad-

ministrative structure for Virginia. The benefits of the Reed report must be considered in the light of the greater details set forth in the Research report. Both reports should be read together.

In this program of reconstruction three steps must be taken:

First, the adoption by you at this session of the general program of reorganization;

Second, a revision of the next budget as the Citizens' Commission and the Bureau of Municipal Research recommend;

Third, the initiation at this session of suggested amendments to the Constitution required to support the legislation necessary to make effective the recommendations for simplicity and economy.

Until these essential constitutional changes are made and the next budget is adopted, the full benefits from the efficiency program cannot be realized, and, I may add, that the next budget could not have been prepared on the assumption that the efficiency program will be made effective unless you had been called now in extra session. The people may, therefore, enjoy the economies anticipated two years earlier by reason of the work you may do during this extra session.

The recommendations of the Citizens' Commission are conservative. Some of you may think that other suggestions made by the Research Bureau should have been recommended, but the Citizens' Commission thought the wise course is to do, first, that which is most vital and leave for consideration at the regular session other recommendations contained in the report made by the Municipal Research Bureau. Many of the bureau's recommendations are for administrative improvement and do not require legislative action. Other suggestions, the Citizens' Efficiency Commission considered as matters of general policy and not within the scope of the commission's work and were therefore not acted upon. The report of the Research Bureau will be a textbook on efficiency in Virginia until all wise recommendations are adopted.

It is before you for consideration as is the report of the Citizens' Efficiency Commission. It is for you to determine whether recommendations not acted upon by the Citizens' Commission should be adopted. Such information as I possess, if requested, is at your disposal in this determination.

LOCAL GOVERNMENTS

The report of the Bureau of Municipal Research on local government has not been received. A careful survey was made of at least a dozen representative counties. In the judgment of the Research Bureau reform of local governments must await in the main constitutional amendments.

In addition to the recommendations on local government of the Reed Commission I recommend the strengthening of the local budget law passed by the last General Assembly.

The adoption of this law with its publicity features and a statute providing for county bookkeeping and accounting systems with an annual audit are progressive measures of a high order and the benefits to the public are already evident.

SUGGESTED AMENDMENTS TO THE CONSTITUTION

The present Constitution was proclaimed in 1902. It accomplished its main purposes. Virginia has gone forward in the twenty-five years since the last Constitutional Convention adjourned. Progress has meant change and our growth has occasioned the need for constitutional revision. There has been some demand for a new Constitutional Convention. This I opposed in my campaign for nomination and election. The last convention held one hundred prominent men in Richmond for more than one year at a very large expense to the State. I felt that a commission of a few men commanding the confidence of the people could suggest amendments that if adopted would permit the Constitution to serve the State for many years. I felt that a revision made by a small commission of able men, the careful consideration of the commission's report by two sessions of the General Assembly and the adoption of the amendments submitted, by the people themselves, would give the State a Constitution satisfactory to public sentiment and promote our progress.

Under authority of an act of the General Assembly, I appointed the following seven gentlemen on this commission:

Robert R. Prentis, of Suffolk; R. Gray Williams, of Winchester; W. M. Lile, of University; Robert M. Hughes, of Norfolk; Joseph H. Chitwood, of Roanoke; Henry C. Stuart, of Elk Garden; William Meade Fletcher, of Sperryville.

The commission elected Hon. Robert R. Prentis, President of the Supreme Court of Appeals, as chairman, and Hon. R. Gray Williams, President of the Virginia Bar Association, as secretary.

This commission proceeded with its work with commendable industry. While the act creating this commission directed a report to be made to the regular session of the General Assembly of 1928, the commission notified me that it was ready to report a month ago. The report has been made and published in a form to be commended for its clear arrangement and terse explanations of the reasons for the changes suggested. I am advised that it is my duty to submit this report to you and this I now do with an expression of my appreciation of the splendid constructive work this commission has accomplished. It is heartening today to find so many Virginia men and women willing to give their best service to the State even at the cost of great personal sacrifice of their own private affairs. This commission deserves the gratitude of Virginia for their labors, and congratulations that the difficult task has been so well performed. In your wisdom you may

desire to make some changes in the recommendations made, and I am sure the members of this commission will be ready to be of any possible assistance to you.

I ask leave to suggest the following additional recommendations to the report of the commission:

(1) A prohibition of bonds issued by counties or districts unless approved by the qualified voters of such county or district in a referendum.

(2) A prohibition upon the right of the Governor to appoint in recess any one appointed by him who has failed of confirmation by the General Assembly when such confirmation is required.

The appropriation made to pay the expenses of this commission was \$10,000.00. The cost to this date has been about \$5,000.00, including the cost of printing the reports. A constitutional Convention may well have cost a half-million dollars and likely more.

THE SEGREGATION TAX PLAN

The success of the segregation tax plan should tend to relieve the fears of those who doubt the wisdom of the pending amendment to the Constitution to prohibit a State tax on land and tangible personal property, especially when it is realized that the State derived less than 10 per cent of its total revenue from this tax. Under the new tax plan we have completely repealed the twenty-five cent State tax on \$100 of assessed value of land and tangible personal property: a deficit has been eliminated and in a large majority of counties tax reduction in whole or in part of the twenty-five cent State tax removed has been given direct to the farmers and householders without reducing current revenue for public purposes.

For the encouragement of industrial development the last General Assembly reduced the tax on capital invested in business from \$1.15 to \$1.00 in 1926 with a further reduction from \$1.00 to 85 cents in 1927. In 1927 this reduction will exceed one-quarter of a million dollars, and there is nowhere any increase in State tax to absorb this reduction.

The tax on the ownership by Virginians of stock of foreign corporations was reduced from \$1.10 to 50 cents per \$100. Already the benefits of this reduction are being seen in desirable new people establishing residence in Virginia. The tax on notes, bonds and other evidences of debt has been reduced from fifty-five cents to fifty cents on each \$100 of valuation. The increase of only 1 per cent in the State tax on income as a compensation in part to the State Treasury for the reductions made leaves Virginia's income tax less than imposed by many States and not above the average of all the States. This is a fair tax as it is paid out of the profits actually made and enjoyed.

Tax administration under the very able management of the State Tax Commissioner has resulted in improvements too numerous to detail here: one instance being the income tax assessment of \$136,000,000 in 1926, an increase of \$30,000,000 over the previous year.

Virginia is reducing her taxes and dealing with her taxpayers considerately and justly. Deliberate tax dodging will receive no sympathy in this administration. The taxpayer, whether rich or poor, who deliberately attempts to defraud his State in the payment of a just share of the public burden will be dealt with by the State authorities with the stern justice such a dishonest act deserves. Virginia's low taxes, her diminishing bonded debt of much less than the amount of one year's revenue, her proximity to the great eastern markets, her varied and ample natural resources, her moderate climatic changes, her efficient transportation system, her proximity to the seaboard and the great port of Hampton Roads, all invite new capital and new residents to become our companions in a great development. The selection of Virginia, as recently announced, for the site for the establishment of a great industrial plant, involving as it does an enormous investment, is striking evidence that Virginia's advantages are becoming appreciated. New industries not only provide employment for our citizens, but create new taxable values and lower taxation, or at least permit progress without increasing the general tax burden.

ECONOMY MUST NOT BE DESTRUCTIVE

In our business reorganization efficiency must not be sacrificed but increased, no employee should be required to work for less than fair compensation, no essential agency of the State—educational or otherwise—should be starved; but the saving should be found in consolidation and simplification of government.

My year's experience as Governor has given me a better opportunity to observe the fidelity, intelligence and industry with which most of the State employees serve the Commonwealth. In proposing a reorganization of governmental machinery no reflection is made on the loyal men and women who struggle to operate that machinery. No State has servants more honest, more faithful or more ready to give their best.

OUR FINANCIAL CONDITION

On March 1, 1926, the Auditor of Public Accounts announced a deficit in our State Treasury of \$1,309,855.58. On March 1, 1927, the Auditor announced an actual free and unappropriated surplus of \$357,524.57—a gain in our financial condition of \$1,667,380.15 in one year.

Virginia as a State should live within her income. The State is the parent and the counties and cities are the children. If the head of the family spends more than its income, we must expect the bad example to have its effect upon the local communities. Our budget should be balanced with respect to income and outgo. We should keep on hand as a working balance a substantial sum so that the variations in receipts will not create a shortage in cash required to meet current appropriations.

Reorganization of the Government of Virginia

Address of
HARRY F. BYRD, Governor



Delivered Before the
General Assembly of Virginia
Extra Session
Wednesday, March 16, 1927

RICHMOND:
DAVIS BOTTOM, SUPERINTENDENT OF PUBLIC PRINTING
1927

Our funds have been appropriated for the biennium ending March 1, 1928. It is hardly necessary for me to say that I believe that no appropriation bill should be passed at this session. We are now in council not for the purpose of increasing appropriations but to devise means of reducing governmental expenses.

FREEDOM FROM BONDED INDEBTEDNESS

Virginia today occupies a unique position among the States of the Union. We were devastated by the Civil War. We inherited a pre-Civil War debt on which we will pay in principal and interest before it is discharged more than \$100,000,000. Except for this debt, inherited from the period before the Civil War, Virginia has wisely refrained from the issuance of bonds, yet we have made great progress in our public works by the pay-as-you-go plan. Our old bonded indebtedness is now \$19,335,454. We have today in cash assets in the Literary Fund \$6,568,770, the income from which is dedicated to the public schools. Virginia owns nearly one-sixth of the valuable property of the Richmond, Fredericksburg and Potomac Railroad. Therefore, today Virginia has in these two assets, considering the potential value of our railroad property, nearly enough resources available to discharge her entire bonded indebtedness.

The wisdom of progress without bonding this and future generations is demonstrated each day. We are building our roads rapidly and each mile is paid for. Our taxes can be gradually lowered as the years go on, while other and competing States, which have adopted the bond method of financing, will be forced to increase rather than reduce taxation. I express the hope that Virginia will adhere to the policy that she has adopted and avoid debts that tend always to increase until they become burdensome to industry and enterprise. Our financial condition, which is perhaps not equalled by any other State in the Union, should not be an invitation to extravagant expenditures, but rather to increase our adherence to the conservative policy that has placed us in this enviable position.

REDEMPTION OF PLEDGES

On the night of my nomination for the office of Governor, I said:

"I construe my election as a mandate to me as a business man to institute the best methods of efficiency and economy in State affairs, so that the people may obtain from the public service a dollar's value for every dollar spent.

"Useless offices must be abolished, duplicated services must be consolidated, and the manifold activities of the State systematized and directed with the efficiency of a great business corporation."

My recommendations to the General Assembly of 1926 and the reports of the Reed and Prentis Commissions and the call to you to consider now these reports, is an earnest of my efforts to redeem the pledges I made the people. Nothing less than the adoption of the essential recommendations as made will enable the fulfillment of these pledges. I will lean upon your counsel and appreciate your co-operation as we go forward as comrades to make a new Dominion that shall be worthy of the old. The matters before you are of great importance. Every single change in government proposed should receive your discriminating scrutiny and the arguments for and against weighed with the utmost care. While convinced after careful study of the essential soundness of practically all the recommendations made, I solicit your suggestions and will gladly meet you in conference whenever you desire.

We are here to serve to the best of our ability with the consciousness in our hearts of the progress of the whole of Virginia, free from all sectional prejudice and political consideration. I seek no additional power for myself. To the contrary, an analysis of the recommendations made will disclose that my patronage will be substantially reduced by the abolishment or consolidation of positions to which appointments are now made by the Governor.

CONCLUSION

In conclusion, permit me to say that I am aware that the progress of a people is not merely in reducing taxes or attracting wealth. No State can be worthy of the old Virginia that neglects the education of her children, the care of her unfortunates, the health of her people, or the preservation of her law. A great State, like a great individual, must have a great character, and character cannot be either made or measured by money. I am sure we do not intend to neglect our higher duties as we strive now to accomplish reforms that will make Virginia better able to discharge these duties.

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REPORT

OF THE

Commission to Suggest Amend- ments to the Constitution

TO THE

General Assembly of Virginia

EXTRA SESSION, MARCH, 1927

Summary of Changes

(a) Total sections in existing Constitution.....	197
(b) Total sections changed in any particular.....	81
(c) Total sections materially changed.....	50
(d) Total sections not materially changed.....	31
(e) Total sections omitted.....	7

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REPORT

of the

Commission to Suggest Amendments to the Constitution of Virginia

RICHMOND, VA., *February 16, 1927.*

To the General Assembly of Virginia:

The Commission appointed by the Governor under the act approved March 25, 1926 (Acts 1926, p. 797), to suggest amendments to the Constitution of Virginia, submits the following report:

The duties of the Commission are thus defined in the third section of the act: "The Commission aforesaid shall study the Constitution of Virginia and propose in detail such revision of the same as it may be of opinion will be for the best interests of the Commonwealth. The report of the Commission shall be made to the General Assembly at its session of nineteen hundred and twenty-eight, and shall show in detail every change or amendment suggested, with amplified reasons for the same. The report shall be published by December, nineteen hundred and twenty-seven, and a copy thereof sent to each member-elect of the Senate and House of Delegates before the convening of the General Assembly."

Inasmuch as the General Assembly has indicated that constitutional revision is desirable, the Commission has construed the direction to report to the session of 1928 as merely directory. Assuming such revision to be wise, the sooner it can be made effective the better. If the amendments proposed are approved at the impending extra session of 1927 and again at the regular session of 1928, they can be voted upon by the people in 1928 and made effective two years earlier than if the report were delayed until the 1928 session.

We attach to this report, as part of it, the Constitution with the proposed amendments.

ORGANIZATION

In accordance with the directions in the act, the Commission held its first meeting July 7, 1926, organized, elected Robert R. Prentis, chairman, and R. Gray Williams, secretary.

Through the courtesy of the press, much publicity was given to the invitation extended by the Commission to all persons interested to appear and make suggestions as to amendments by them deemed desirable. Public hearings were held from time to time and many helpful suggestions were made.

GENERAL POLICY

The general policy of the Commission has been to restrict the changes, and to suggest no amendment which is not deemed wise and promotive of efficient government.

DOMINANT PURPOSE

The animating purpose of the Commission has been to relax many of the existing restrictions on the powers of the General Assembly, so as to secure to the Commonwealth and to its political subdivisions more elastic forms of government, capable of being adjusted from time to time to new conditions, and, enlightened by experience to existing conditions. The General Assembly, the House being elected every two years, is closest to the people, and its powers to adapt government in its details to the needs of the people should not be unduly restricted, under a system of government which derives all of its powers from the people.

ARTICLES GIVEN SPECIAL ATTENTION

The articles to which the Commission gave most attention, both on its own initiative and because of representations made to the Commission by committees,

and individuals from various sections of the Commonwealth were those concerning Elective Franchise, Courts, the Organization and Government of Counties, Education and Public Instruction and Taxation and Finance—though numerous more or less important changes are suggested in other articles.

IMMATERIAL CHANGES

Numerous sections earmarked as changed have been altered only by omission of provisions which have become obsolete. In a few other instances, for the sake of brevity and clearness, the language has been altered without any change of substance.

EXPLANATORY NOTES

Each section amended is immediately followed by a note indicating the purport of the amendment, and briefly indicating the reasons therefor.

These notes make it unnecessary to recite such changes or reasons in detail in this prefatory report.

PARALLEL COLUMNS

By reference to the Constitution with proposed amendments hereto attached as part of this report, it will appear that for the purpose of easy comparison each page is set up in parallel columns. In the left-hand column is placed the existing Constitution with the proposed amendments incorporated.

Where no amendment is proposed, the original section appears in the left-hand column, with the right-hand column showing the notation "Unchanged." In other words, the left-hand column presents the whole Constitution as it will be if the proposed amendments are adopted; and the right-hand reproduces the original if any amendment thereto is proposed.

EXTENT OF REVISION

The extent to which amendments have been suggested is indicated by the subjoined synopsis:

(a) Total sections in existing Constitution materially changed.....	50
(b) Total sections not materially changed.....	31
(c) Total sections changed in any particular.....	81
(d) Total sections in existing Constitution.....	197
(e) Total sections omitted, counted as changed.....	7
(f) Total sections in suggested Constitution.....	196

THE MORE IMPORTANT AMENDMENTS RECOMMENDED

For a complete view of the important amendments suggested, reference should be had to the attached Constitution with proposed amendments. We briefly outline here those believed to be the more important and of general interest to the whole people.

ARTICLE I

BILL OF RIGHTS

Section 8, p. 16. In the interest of economy and expedition, it is suggested that in all criminal cases upon a plea of not guilty, the accused may waive a jury and, with the consent of the Commonwealth's attorney, the court may try the case. This avoids the delay in selecting a jury, the expense and the danger of technical errors in the procedure.

ARTICLE II

ELECTIVE FRANCHISE

Section 18, p. 19. This reduces the requirements as to residence in the State from two years to one, and in the county, city or town from one year to six months. It also removes the obsolete discrimination in the existing Constitution against women as voters.

Section 19, p. 20. Eliminates obsolete matter, and assures the rights of those voters who were registered prior to 1904 and placed upon the permanent roll.

Section 20, p. 20. Reduces the period for paying poll taxes as a prerequisite for registering and voting from three years to two years, and eliminates obsolete matter.

Section 22, p. 22. Is one of the pending amendments already approved by the General Assembly, exempting the wives or widows of those who served in the army of the United States or of the Confederate States from payment of poll taxes as a prerequisite to the right to vote.

ARTICLE IV

LEGISLATIVE DEPARTMENT

Section 45, p. 30. Allows the appointment of members of the General Assembly to office during their term. It continues the restriction against the election of such members to office by the General Assembly during such term.

Section 50, p. 32. Allows bills to be read by title instead of requiring them to be read at length before their passage. As all bills are printed, the provision is unnecessary, and if insisted upon would so consume the time of the session as to endanger all legislation. It also requires a separate vote on each bill.

Section 61, p. 36. Authorizes the consolidation of counties, but only after adoption by a majority vote by the people of each county.

Section 63, p. 36. Clauses 21, 22 and 23, referring to special legislation, are intended to embody the pending amendment, already approved by the General Assembly. The last clause is inserted in order to prevent undue haste in ratification of amendments of the Federal Constitution.

ARTICLE V

EXECUTIVE DEPARTMENT

Sections 69-70, p. 40, 41. This is intended to effectuate the pending amendment already approved by the General Assembly, advancing the date for the inauguration of the Governor.

Section 72, p. 42. Removes the limitation on the salary of the Governor, \$5,000, and authorizes the General Assembly to prescribe it.

Section 73, p. 42. The last clause authorizes the General Assembly to provide for a pardoning board to act in misdemeanor cases. This for the relief of the Governor.

Section 80, p. 46. This refers to the office of Secretary of the Commonwealth, adopts the pending amendment, providing for his appointment after the expiration of the present term, and also authorizes the General Assembly to abolish the office.

Section 81, p. 46. This is the pending amendment, in substance, and authorizes the Governor to appoint a treasurer, subject to confirmation by the General Assembly, and vests the General Assembly with power, after January 1, 1932, to change the method of selection or appointment, and so to make that officer elective by the people, if it shall be deemed wise to revert to the existing method.

ARTICLE VI

JUDICIARY

Section 88, p. 48. Supreme Court of Appeals. The General Assembly has already approved an amendment providing for an increase in the number of judges from five to seven. This, however, will afford little relief unless the court sits in two divisions, and so the section has been redrawn to effect this purpose. The public business requires for its dispatch that the appellate court should be almost continuously in session, and judges cannot write opinions that are worth the writing while hearing arguments and engaged in conferences with reference to the current business. They should have time to write their opinions. A division into two sessions, sitting alternately, affords these opportunities. It is deemed best that there should be one court, instead of two, because this will tend to promote uniformity of decision and keep each of the judges in touch with all of the decisions of the appellate court.

Section 90, p. 50. This section authorizes the appellate court to enter final judgments and end litigation. Much delay and some injustice is caused by remanding cases for new trials, when the witnesses may be no longer available, or may have forgotten the facts about which they are called to testify. It is deemed wise and just,

when a case has been once fully developed in the trial court, to permit the appellate court to end the litigation and avoid delays in the administration of justice.

Section 101, p. 55. Seeks to confer the same jurisdiction upon the clerks of all courts having probate jurisdiction as is now conferred upon clerks of circuit courts.

ARTICLE VII

ORGANIZATION AND GOVERNMENT OF COUNTIES

Section 110, p. 58. The proposed amendment authorizes the General Assembly to pass general laws authorizing other forms of county organization and government, which must be submitted for adoption to popular vote. They may also, by general law, authorize the consolidation of charitable and penal institutions of counties.

ARTICLE IX

EDUCATION AND PUBLIC INSTRUCTION

Section 129, etc., p. 70, etc. The pending amendment provides for the appointment of a Superintendent of Public Instruction by the Governor, subject to confirmation by the General Assembly, until January 1, 1932, after which date, guided by experience, the General Assembly may adopt some other method of selection. The Governor, being elected by the people, is responsible to them for the efficiency of the administration.

The technical qualifications of the Superintendent of Public Instruction cannot well be determined by the people in a popular election, and it must be conceded that the Governor is in much better position than the people to investigate the available men, and, guided by the information thus acquired, to select one qualified to perform the difficult and important duties of this office.

This change is in harmony with the best modern practice which authorizes the appointment rather than the election of all officers who must have technical training and equipment as a prerequisite to the performance of their official duties.

Many educators urged that the State Board of Education be appointed by the Governor, and that this body be empowered to select a Superintendent of Public Instruction. The present complicated method of selecting the State Board of Education is unsatisfactory both to the educators and to the people, and the change proposed is that the members of the State Board of Education be appointed by the Governor, subject to confirmation by the General Assembly.

The Governor is not required to appoint experts to the Board of Education, and may be expected to give due consideration to public sentiment and business ability in the selection of the members of this board.

The public free schools are made more responsive to the people by the provision that the division superintendents shall be selected by the local board from a list of eligibles approved and certified by the State Board. The General Assembly is left free to provide as it deems best for the creation of the local school boards, and there is no constitutional inhibition against the election of these boards by the people of the local school divisions.

The present provision, that the State Board of Education may make rules and regulations having the force of law after their publication, is eliminated, but the General Assembly may authorize the State Board to make such rules and regulations. Until the General Assembly so provides, the existing rules and regulations, with necessary amendments thereto, may be continued in force by the State Board.

Objection has been made to the power of legislation now vested in the State Board, even though qualified by the fact that the General Assembly may amend or repeal such legislation. This amendment also seeks to make the school administration more responsive to public opinion, and empowers the General Assembly to vest the State Board with authority to make and enforce rules and regulations which are necessary for efficient administration.

It is impossible to settle the vexed questions which have been raised with respect to this difficult subject. Those most interested therein do not agree. Their various proposals were studied carefully, and the amendments submitted express the conclusions of this Commission. They are not, of course, ideal, but in the present confusion of thought and conflict of desire it is the best that we can do at this time.

ARTICLE X

AGRICULTURE AND IMMIGRATION

Section 144, p. 77. The Commission has approved the pending amendment as to the selection of the Commissioner of Agriculture and Immigration, without substantial change.

ARTICLE XI

CHARITABLE AND PENAL INSTITUTIONS

Section 146, p. 78. We have substituted this section for the whole of Article XI, composed of old sections 147 to 152, inclusive. It is intended to confer upon the General Assembly the widest latitude in devising legislation to meet changing conditions as developed by scientific study of the subjects referred to. It preserves the existing institutions and statutes until changed by law.

ARTICLE XII

CORPORATIONS

Section 149, p. 82. The changes suggested are not radical, and are summarized in the note on page 54.

ARTICLE XIII

TAXATION AND FINANCE

Section 165, p. 101. The present Constitution prohibits the assessment of abutting lands to defray the cost of street roadway improvements. Public opinion is sharply divided as to this. The question of imposing assessments by cities and towns for public improvements upon abutting owners has been the subject of heated controversy in the General Assembly and elsewhere since the limitation was imposed upon the exercise of this power by the Constitution of 1902.

Much pressure was brought to bear upon the Commission by representatives of several of the cities of the Commonwealth looking to the removal in whole or in part of these restrictions, in the interest of municipal progress and the equalization of the burden of the cost of construction between the general taxpayers and the abutting owners, who under the present restrictions enjoy an unearned increment of value paid for out of the municipal treasury.

The Commission were unable, among themselves, to agree upon what should be accepted as a fair and just solution of the problem. They therefore agreed to leave unchanged the existing section dealing with such assessments, but to submit to the General Assembly an alternative section, as suggestive of a proper form of such amendment to be substituted therefor only in case the General Assembly should determine to relax the existing restrictions.

If the alternative section should be substituted it is the opinion of the Commission that adjacent property receiving peculiar benefits from a local improvement should bear a proper proportion thereof, though not actually abutting thereon. The alternative amendment submitted accordingly so provides. Such assessments cannot be imposed thereunder unless and until a majority in interest of the owners of the properties abutting thereon shall consent in writing to such improvement, and the aggregate assessment cannot exceed two-thirds of the total cost of the improvement.

Section 166, p. 102. Segregating certain classes of property for local taxation. This proposition has been much discussed in the State for a number of years, and it is the pending amendment which has already been approved by the 1926 General Assembly.

Section 177, p. 109. Refers to exemptions from taxation. There is no substantial change except that the pending amendment, which exempts the endowment funds of cemeteries, has been incorporated, and the endowment funds lawfully held by churches and other religious bodies have been added so as to place these endowments in the same class with endowment funds of libraries, educational institutions and public and private burying grounds.

The Thomas Jefferson Memorial Foundation, Inc., and the posts of the American Legion have been added to the corporations of similar character, the property of

which is exempted from taxation, and the General Assembly is empowered to enlarge the subsection (g) so as to include similar historic and patriotic associations.

Sections 179, 180, p. 112. The sesection refer to the issuance of State bonds. The Constitution of 1902 denies to the State the power to contract debt or issue bonds, "except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war." By amendment the State was authorized to issue bonds to construct or re-construct public roads. In the interest of clarity, we have divided this section into two.

Section 179 provides that "The General Assembly may contract debts to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war."

Section 180 permits the issuance of bonds by the State, limited to one per centum of the assessed value of taxable realty, estimated to allow an issue of about \$12,000,000, whenever such debt shall be authorized by the General Assembly for some single purpose, constituting new capital outlay, to be distinctly specified, but a vote of a majority of the members elected to each house shall be necessary to the passage of the law. Such a law, however, cannot take effect until it shall be submitted to the people at a general election and shall be approved by a majority of all the votes cast. The existing section authorized road bonds to be issued without a popular vote and without limit, while the new section requires a popular vote on bonds proposed to be issued for every purpose and limits the aggregate amount thereof at any time outstanding to one per centum of the assessed value of all the taxable real estate in the Commonwealth.

This is a subject about which the people of the State are quite sensitive. The absolute prohibition is, we believe, unwise, for it is impossible to foresee what emergencies may arise which shall make the issuance of a limited amount of bonds quite necessary.

Section 183, p. 114. Is the pending amendment, and authorizes the change of the fiscal year of the Commonwealth.

Section 186, p. 115. Is suggested in response to a general demand. It authorizes cities, towns and counties to exempt manufacturing establishments from local taxation for a period not exceeding five years, as an inducement to their location. It is in accordance with modern practice in many States.

Section 193, p. 118. Preserves the current terms of all public officials.

THE DEMAND FOR CONSTITUTIONAL REVISION AND EXPANSION

Much of the clamor for constitutional revision in Virginia has been rather a clamor for new legislation which, if wise, should be enacted and which the General Assembly already has the power to enact without express constitutional sanction. The purpose of a State Constitution is to restrict, not to confer, legislative power—and such restrictions should touch only the fundamentals of government—otherwise the Constitution becomes an inelastic instrument with many of its provisions unsuited to changed conditions and requiring frequent amendment. A Constitution should be more or less stable. Because of this view, which is generally accepted, the Commission has, so far as it has been deemed wise, eliminated legislation from the proposed amendments.

The result submitted is the composite work of the members of the Commission, and is the expression, not of individuals, but of the combined judgment of the Commission. There is, we believe, nothing in the proposed Constitution, as amended, which should disquiet the most confirmed conservative. There is, however, much in it to encourage, if not to satisfy, the most pronounced progressive.

The Commission submits the result, and expresses the hope that it will not only meet with the approval of the General Assembly, but that all patriotic citizens may discern in it more that is wise than is unwise, and that we can all co-operate for the accomplishment of the desired end.

The Commission believes that the General Assembly can safely commend the amended Constitution to the people of the Commonwealth as preserving every substantial right and as worthy of support.

The Commission stands ready to correct any mistakes in form or substance which examination or discussion may disclose, for we have no motive except to promote the welfare of the Commonwealth, and for this we solicit the aid of all good citizens.

Respectfully,

ROBERT R. PRENTIS, *Chairman*
R. GRAY WILLIAMS, *Secretary*.
WILLIAM MINOR LILE,
ROBT. M. HUGHES,
JOSEPH H. CHITWOOD,
H. C. STUART,
WM. MEADE FLETCHER,
Commission.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)***Constitution of Virginia****Constitution of Virginia****ARTICLE I****ARTICLE I****Bill of Rights****Bill of Rights**

A DECLARATION OF RIGHTS, made by the good people of Virginia, in the exercise of their sovereign powers; which rights do pertain to them and their posterity, as the basis and foundation of government.

A DECLARATION OF RIGHTS, made by the representatives of the good people of Virginia assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

Section 1. Equality and rights of men.—That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 1.—Unchanged.

Sec. 2. People the source of power.—That all power is vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 2.—Unchanged.

Sec. 3. Government instituted for common benefit.—That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Sec. 3.—Unchanged.

Sec. 4. No man entitled to exclusive emoluments or privileges; offices not to be hereditary.—That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

Sec. 4.—Unchanged.

Sec. 5. Legislative, executive and judicial departments of State should be separate; elections should be periodical.—That the

Sec. 5.—Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Sec. 6. Suffrage; taxation; private property for public uses; consent of governed.—

That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Sec. 7. Laws should not be suspended.—

That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 8. Concerning criminal prosecutions generally.—

That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers; nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious before a justice of the peace or other inferior tribunal, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases,

Sec. 6.—Unchanged.

Sec. 7.—Unchanged.

Sec. 8. Concerning criminal prosecutions generally.—

That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the State revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty: provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offense not punishable by

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty; and, with the concurrence of the Commonwealth's attorney, may consent to a smaller number of jurors, or, with like consent, may waive a jury. In case of such waiver, or plea of guilty the court shall try the case.

death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offenses not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

Note to Section 8

The changes in substance are as follows:

1. The omission of the sentence allowing an appeal by the Commonwealth in revenue cases, which is to avoid duplication, as such a right is granted under the Article defining the jurisdiction of the Supreme Court of Appeals. That is obviously the proper place for it.

2. The provision allowing appeals, in cases not felonious, to "some court of record having original criminal jurisdiction," instead of the "circuit or corporation court," as at present, since the General Assembly may create other courts of original criminal jurisdiction.

3. The provision allowing a trial of any criminal case by the court if the accused and Commonwealth's attorney agree. The delays due to impaneling a jury and the liability to error will often be avoided by this provision; and much time and expense may be saved. The requirement that the accused must consent protects him, and the requirement that the Commonwealth's attorney must concur, protects the Commonwealth from the contingency of a weak judge.

The other changes are for simplicity and clearness, and for the purpose of restoring the clause as far as possible to its original form as found in the Constitution of 1776.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 9. Excessive bail or fines and cruel and unusual punishments prohibited.—That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 9.—Unchanged.

Sec. 10. General warrants of search or seizure prohibited.—That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Sec. 10.—Unchanged.

Sec. 11. No person to be deprived of property without due process of law; trial

Sec. 11. No person to be deprived of property without due process of law; trial

Constitution With Proposed Amendments

by jury to be held sacred.—That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Constitution as at Present (for Comparison)

by jury to be held sacred.—That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Note to Section 11

The words, "in courts of record" have been substituted for "in circuit and corporation courts" in order to embrace all the courts of record in the Commonwealth.

Constitution With Proposed Amendments

Sec. 12. Freedom of the press and of speech.—That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right

Sec. 13. Militia the proper defense of a free State; standing armies should be avoided; military should be subordinate to civil power.—That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Sec. 14. Government should be uniform.—That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Sec. 15. Qualities necessary to preservation of free government.—That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Sec. 16. Religious freedom.—That religion or the duty which we owe to our

Constitution as at Present (for Comparison)

Sec. 12.—Unchanged.

Sec. 13.—Unchanged.

Sec. 14.—Unchanged.

Sec. 15.—Unchanged.

Sec. 16.—Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

Sec. 17. Construction of the Bill of Rights.—The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

Sec. 17.—Unchanged.

ARTICLE II

Elective Franchise and Qualification for Office

Sec. 18. Qualifications of voters.—Every citizen of the United States, twenty-one years of age, who has been a resident of the State one year, of the county, city, or town, six months, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal. The General Assembly may provide for a shorter period of residence in counties, cities or towns.

The right of citizens to vote shall not be denied or abridged on account of sex.

Sec. 18. Qualifications of voters.—Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Note to Section 18

(1) The right of suffrage having been conferred on women by the Constitution of the United States, the word "male" is here stricken out. Though the pronoun "he" is retained throughout this Article, the masculine form includes the feminine. See proposed concluding section of this Constitution.

The concluding sentence in the foregoing section reading, "The right of citizens to vote shall not be denied or abridged on account of sex," has been added.

(2) The period of residence in the State has been reduced from two years to one year; and in the county, city or town, from one year to six months. This change encourages more general participation in elections.

(3) The General Assembly is authorized to provide for a shorter period of residence in counties, cities or towns.

Constitution With Proposed Amendments

Sec. 19. Registration of voters; those registered prior to 1904.—Persons registered under the general registrations of voters during the years nineteen hundred and two and nineteen hundred and three, whose names were required to be certified by the officers of registration for filing, record and preservation in the clerk's offices of the several circuit and corporation courts, shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section twenty-three.

Constitution as at Present (for Comparison)

Sec. 19. Registration of voters; who are entitled to register prior to 1904.—There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any State of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, State taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Note to Section 19

All of section nineteen except the exemption from further registration of those persons registered in 1902 and 1903 is already obsolete by force of its own provisions. The redrafted section preserved all of the original section not obsolete.

Constitution With Proposed Amendments

Sec. 20. Who may register.—Every citizen of the United States, having the qualifications of age and residence required

Constitution as at Present (for Comparison)

Sec. 20. Who may register after 1904.—After the first day of January, nineteen hundred and four, every male citizen of

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the two years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as a part of his official records.

the United States, having the qualifications of age and residence required in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

Note to Section 20

(1) In the caption reading, "Who may register after 1904," the words "after 1904" are stricken out, as surplusage. The same is true of the first part of the first sentence reading: "After the first day of January, 1904."

(2) The word "male" is stricken out, though the pronoun "he" is retained for reasons before stated.

(3) The requisite payment of poll taxes has been reduced from three to two years to encourage a larger electorate.

(4) The words "two years" in the second clause have been changed to "one year" so as to conform to section eighteen.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 21. Conditions for voting.—A person registered under the general registration of voters during the years nineteen hundred and two and nineteen hundred and three, or under the last section, shall have the right to vote for all officers elective by the people, subject to the following conditions:

That unless exempted by section twenty-two, he shall, as a prerequisite to the right to vote, personally pay, at least six months prior to the election, all State

Sec. 21. Conditions for voting.—Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all State poll taxes assessed or

Constitution With Proposed Amendments

poll taxes assessed or assessable against him, under this Constitution, during the two years next preceding that in which he offers to vote.

If he shall have registered after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Constitution as at Present (for Comparison)

assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Note to Section 21

(1) There have been stricken out after the words "to vote" in the second paragraph, the words "After the first day of January, 1904." These words have now become obsolete. The words "three years" have been changed to "two years" in order to harmonize sections 20 and 21. The first sentence is rewritten on account of the change in section nineteen.

(2) The words "provided that, if he registers," in the original section, have been changed to the words "if he shall have registered." This is to bring the section up to date and make it to accord with previous sections.

Constitution With Proposed Amendments

Sec. 22. Persons exempt from payment of poll tax as condition of right to vote.—No person, nor the wife or widow of such person, who, during the late war between the States, served in the army or navy of the United States, or of the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against any one shall not be enforced by legal process until the same has become two years past due.

Constitution as at Present (for Comparison)

Sec. 22. Payment of poll tax by veterans of Civil War not prerequisite to their right to vote; when payment of poll tax enforced.—No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Note to Section 22

This section constitutes one of the pending amendments. The change in the original section is by the addition of the words, "nor the wife or widow of such person" after the words "no person." The word "two" in the last line is substituted for "three" in order to make this section conform to section 20 and section 21.

Constitution With Proposed Amendments

Sec. 23. Persons excluded from registering and voting.—The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons

Constitution as at Present (for Comparison)

Sec. 23.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property, under false pretences, embezzlement, forgery or perjury; persons who while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such a duel, either within or without this State, or knowingly conveyed such a challenge, or aided or assisted in any way in the fighting of such duel.

Sec. 24. Who not deemed to have gained legal residence.—No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Sec. 24.—Unchanged.

Sec. 25. Directions to General Assembly in regard to registration and transfers.—The General Assembly shall provide for the annual registration of voters under section twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration thereunder, and also for the proper transfer of all voters registered under this Constitution.

Sec. 25.—Unchanged.

Sec. 26. Persons qualified to vote at next election shall be admitted to registration.—Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 26.—Unchanged.

Sec. 27. Method of voting.—All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce*, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

Sec. 27.—Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. Ballots.—The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 28.—Unchanged.

Sec. 29. Privileges of voters during election.—No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 29.—Unchanged.

Sec. 30. General Assembly may prescribe property qualification for voting in county, city or town elections.—The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election of officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town, such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

Sec. 30.—Unchanged.

Sec. 31. Electoral boards; appointment and composition; powers and duties of; who ineligible.—There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county, or the corporation court of the city, or the judge of the court in vacation. The present members of such boards shall continue in office until the expiration of their respective terms; and thereafter their successors shall be appointed for the term of three years. Any vacancy occurring in any board shall be

Sec. 31. Electoral boards; appointment and composition; powers and duties of; who ineligible.—There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county, or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occur-

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filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and the next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Constitution as at Present (for Comparison)

ring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Note to Section 31

This section is unchanged except in the elimination of obsolete matter. The terms of office of the present members of electoral boards are preserved.

Constitution With Proposed Amendments

Sec. 32. Qualifications of officers and of notaries public.—Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise; and except, further, that the requirements of this section as to residence and voting qualifications shall not apply to the appointment of persons to fill positions or posts requiring special technical or professional training and experience.

Persons eighteen years of age shall be eligible to the office of notary public and qualified to execute the bonds required of them in that capacity.

Constitution as at Present (for Comparison)

Sec. 32. Qualifications of officers and of notaries public.—Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise; and except, further, that the requirements of this section as to residence and voting qualifications shall not apply to the appointment of persons to fill positions under a municipal government requiring special technical or professional training and experience. Men and women eighteen years of age shall be eligible to the office of notary public and qualified to execute the bonds required of them in that capacity.

Note to Section 32

The only change made is by adding the word "posts" after the word "position," which is done for the sake of clarity, and striking out the words "under a municipal government." The commission deems it inadvisable to restrict the right to fill positions or posts requiring special or professional training to municipal subdivisions.

Constitution With Proposed Amendments

Sec. 33. When terms of officers to begin and end.—Until otherwise prescribed by law, the terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Constitution as at Present (for Comparison)

Sec. 33. When terms of officers to begin and end.—The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Note to Section 33

The only change made is the insertion of the words "Until otherwise prescribed by law" in the opening sentence of the section. The purpose is to give the General Assembly power to fix the beginning of the terms of officers when not otherwise prescribed by the Constitution.

Constitution With Proposed Amendments

Sec. 34. Oath to be prescribed.—Members of the General Assembly, and all officers, executive and judicial, elected or appointed after this Constitution goes into effect shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability, so help me God."

Constitution as at Present (for Comparison)

Sec. 34. Oath to be prescribed.—Members of the General Assembly, and all officers, executives and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia, ordained by the convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability, so help me God."

Note to Section 34

The only change is the elimination of matter now obsolete.

Constitution With Proposed Amendments

Sec. 35. Primary elections; who may vote.—No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Constitution as at Present (for Comparison)

Sec. 35.—Unchanged.

Sec. 36. General Assembly shall enact laws to regulate elections.—The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt

Sec. 36.—Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offenses, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. Voting machines.—The General Assembly may provide for the use, throughout the State, or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat; provided, that the secrecy of the voting be not thereby impaired.

Sec. 37.—Unchanged.

Sec. 38. Duties of treasurers, clerks of circuit and corporation courts and sheriffs in regard to making, filing, delivering and posting list of paid poll taxes; how corrected.—The treasurer of each county and city shall at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the two years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately; and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted, which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law. The original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same.

Within thirty days after the list has been so posted, any person who shall

Sec. 38. Duties of treasurers, clerks of county and corporation courts and sheriffs in regard to making, filing, delivering and posting list of paid poll taxes; how same corrected.—After the first day of January, nineteen hundred and four, the treasurer of each county and city shall at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted, which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any

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have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

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person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

Note to Section 38

(1) The words "After the first day of January, 1904," have been omitted from the opening sentence as obsolete.

(2) The word "two" is substituted for the word "three" before the word "years" so as to conform to sections 20 and 21 with reference to payment of poll tax.

*Constitution With Proposed Amendments***ARTICLE III****Division of Powers**

Sec. 39. Departments to be distinct.—Except as hereinafter provided, the legislative, executive, and judicial departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV**Legislative Department**

Sec. 40. General Assembly to consist of Senate and House of Delegates.—The legislative power of the State shall be

Constitution as at Present (for Comparison)

Sec. 39.—Unchanged.

Sec. 40.—Unchanged.

Constitution With Proposed Amendments

vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Sec. 41. Number and election of senators.—The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts on the Tuesday succeeding the first Monday in November.

Sec. 42. Number and election of delegates.—The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

Sec. 43. Apportionment of Commonwealth into senatorial and house districts.—The present apportionment of the Commonwealth into senatorial and house districts shall continue; but a reapportionment shall be made in the year nineteen hundred and thirty-two and every ten years thereafter.

Constitution as at Present (for Comparison)

Sec. 41.—Unchanged.

Sec. 42.—Unchanged.

Sec. 43. Apportionment of State into senatorial and house districts.—The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a reapportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

Note to Section 43

This section has been rewritten so as to bring it up to date.

Constitution With Proposed Amendments

Sec. 44. Qualifications of senators and delegates; who ineligible; removal from district vacates office.—Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the State government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such

Constitution as at Present (for Comparison)

Sec. 44.—Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

office held by him; and no person holding any office or post of profit or emolument under the United States government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

Sec. 45. Salaries of members of General Assembly to be fixed by law; members not to be elected or appointed to civil offices of profit except by election by the people.—The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be elected by the General Assembly to any civil office of profit in the State.

Sec. 45. Salaries of members of General Assembly to be fixed by law; members not to be elected or appointed to civil offices of profit except by election by the people.—The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by the election by the people.

Note to Section 45

The change made is in restricting the ineligibility of members of the General Assembly to offices filled by that body. No good reason is seen why members of the General Assembly should not be eligible to appointive office.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 46. Time and duration of meetings of General Assembly; adjournments; majority shall be a quorum; power of smaller number than a quorum.—The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner

Sec. 46. Time and duration of meetings of General Assembly; adjournments; majority shall be a quorum; power of smaller number than a quorum.—The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

and under such 'penalty as each house may prescribe.

day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

Note to Section 46

The only change is in the omission of the words "after the first under this Constitution" and the words "Except for the first session held under this Constitution." These words are no longer operative.

There has been some demand in the public press for a more extended session of the General Assembly; but the Commission, after a study of the situation, believes that, aside from the question of expense to the State, the longer the sessions the less disposed will properly qualified persons be to accept membership in the General Assembly, with the consequent sacrifice of their personal interests.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 47. Power of each house of General Assembly to elect its presiding officer, make its own rules, fill vacancies, and judge of the election and qualification of members and punish and expel members.—The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose from its own body a president *pro tempore*. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Sec. 47.—Unchanged.

Sec. 48. Privileges of members of General Assembly.—Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

Sec. 48.—Unchanged.

Sec. 49. Journal of proceedings.—Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall,

Sec. 49.—Unchanged.

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at the desire of one-fifth of those present, be entered on the journal.

Sec. 50. Enactment of laws; tax laws shall specifically state the tax and require a vote of majority of members.—No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been:

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house in which it originated prior to its passage therein;

(c) Read by title on three different calendar days in each house; and unless—

(d) Upon its final passage a yea and nay vote has been taken thereon, separate and apart from any other bill, in each house, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

Only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, and the names of the members voting for and against, entered on the journal.

No bill which creates or establishes a new office, or which creates, continues or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax, and no law shall be construed as so stating such tax, which requires a

Sec. 50. Enactment of laws; tax laws shall specifically state the tax and require a vote of majority of members.—No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been:

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house in which it originated prior to its passage therein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported; provided that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against, entered on the journal; and provided further, that no bill which creates, or establishes a new office, or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax and no law shall be construed as so stating such tax, which requires a

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reference to any other law or any other tax.

The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

Note to Section 50

Changes made:

(1) Allowing bills to be read by title instead of at length. Reading bills at length is in practice purely perfunctory and, as all bills must be printed, the provision is unnecessary and is constantly evaded.

(2) Requiring a separate vote on each bill, thus eliminating the practice of passing bills in block.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 51. Standing committee on special, private and local legislation.—There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on special, private, and local legislation. Before reference to a committee as provided by section fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying statement, shall take the course provided by section fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section fifty for the discharge of other committees.

Sec. 51.—Unchanged.

Sec. 52. Law shall embrace but one object, which shall be expressed in its title; how laws revived or amended.—No law shall embrace more than one object which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be reenacted and published at length.

Sec. 52.—Unchanged.

Sec. 53. Time when laws take effect.—No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the

Sec. 53.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

Sec. 54. Impeachments; proceeding under; extent of judgment under; indictment, etc., to lie.—The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate which shall have the sole power to try impeachments. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State, but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Sec. 55. Apportionment of State into congressional districts by General Assembly.—The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, and equal number of inhabitants.

Sec. 56. Directions to General Assembly concerning elections and declaring offices vacant.—The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which

Sec. 54.—Unchanged.

Sec. 55.—Unchanged.

Sec. 56.—Unchanged.

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any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Sec. 57. Power of General Assembly to remove disabilities.—The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section twenty-three, of Article Two, of this Constitution, with reference to duelling.

Sec. 57.—Unchanged.

Sec. 58. Prohibitions on General Assembly as to suspension of writ of habeas corpus, and enactment of laws referring to religion and other laws.—The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any *ex-post facto* law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry, whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect, their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Sec. 58.—Unchanged.

Sec. 59. General Assembly shall not incorporate churches or religious denominations; may secure church property.—The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Sec. 59.—Unchanged.

Constitution With Proposed Amendments

Sec. 60. Lotteries and sale of lottery tickets prohibited.—No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

Sec. 61. Formation, division and consolidation of counties.—No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

The General Assembly may provide for the consolidation of existing counties on a vote of a majority of the qualified voters of each of such counties voting at an election held for that purpose.

Note to Section 61

The change made is in authorizing the consolidation of counties, but only after a majority vote of the people of each section.

Constitution With Proposed Amendments

Sec. 62. Power of General Assembly to enact liquor laws.—The General Assembly may enact laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Note to Section 62

The words "local option or dispensary laws, or any other" are omitted as in conflict with the prohibition contained in the Eighteenth Amendment of the Constitution of the United States.

Constitution With Proposed Amendments

Sec. 63. Powers of the General Assembly and limitations thereon.—The authority of the General Assembly shall extend to all subjects of legislation, not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in refer-

Constitution as at Present (for Comparison)

Sec. 60.—Unchanged.

Sec. 61. Formation and division of counties.—No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

Constitution as at Present (for Comparison)

Sec. 62. Power of General Assembly to enact liquor laws.—The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Constitution as at Present (for Comparison)

Sec. 63. Powers which General Assembly shall confer on courts; cases in which General Assembly shall not enact special laws.—The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish

Constitution With Proposed Amendments

ence thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting, or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers

Constitution as at Present (for Comparison)

for contempt. The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting, or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

during the term for which they are elected or appointed.

15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.

16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

17. Creating private corporations, or amending, renewing, or extending the charters thereof.

18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.

19. Naming or changing the name of any private corporation or association.

20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

21. Authorizing or directing any city, town, county, district, or other political subdivision of the State, to issue bonds, notes, or other interest-bearing obligations.

22. Concerning game, wild fowls, birds, fur-bearing animals, fish, oysters, crabs, clams, or shell-fish of any kind.

23. Providing for the construction, reconstruction, repair or maintenance of roads, streets, alleys, bridges, or other highways not parts of the State highway system.

24. Exempting, either directly or indirectly, any political subdivision from the operation of a general law.

Furthermore, it is declared the policy of this Commonwealth, so far as it can control the same by constitutional provision, that no convention or General Assembly of this Commonwealth shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted.

term for which they are elected or appointed.

15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.

16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

17. Creating private corporations, or amending, renewing, or extending the charters thereof.

18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.

19. Naming or changing the name of any private corporation or association.

20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

Note to Section 63

The first sentence is new and is meant to obviate the necessity of conferring powers on the General Assembly in other sections; and to prevent any misunderstanding on account of omissions.

Clauses 21, 22 and 23 are intended to embody the present pending amendment numbered section 64 (a).

The last paragraph is new.

Its object is to prevent undue haste in ratifying amendments to the Federal Constitution and to permit the people to select the members of the General Assembly which considers the proposed amendment.

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Sec. 64. General Assembly shall enact general laws in cases mentioned in preceding section, and wherever general laws will apply; amendment or partial repeal of general law shall not enact special law; restrictions as to laws.—In all cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of the enactment of, a special, private, or local law.

Sec. 64.—Unchanged.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article Thirteen. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

Sec. 65. Powers of local and special legislation may be conferred by General Assembly, by general law, on supervisors and councils.—The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

Sec. 65.—Unchanged.

Sec. 66. Clerk of House of Delegates to be Keeper of the Rolls, without compensation; General Assembly shall prescribe number and compensation of its clerks and employees.—The Clerk of the House of Delegates shall be Keeper of the Rolls of the State, but shall receive no compensation from the State for his services as such.

Sec. 66.—Unchanged.

The General Assembly by general law shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof and fix their compensation at a per diem for the time actually employed in the discharge of their duties.

Sec. 67. Limitations on appropriations by General Assembly to charitable and other institutions; exceptions.—The General Assembly shall not make any appropria-

Sec. 67.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

tion of public funds, or personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution, which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to non-sectarian institutions for the reform of youthful criminals; but nothing herein contained shall prohibit the General Assembly from authorizing counties, cities, or towns, to make such appropriations to any charitable institution or association.

Sec. 68. Auditing Committee, appointment and constitution; powers and duties.—At each regular session the General Assembly shall appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, to be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, examine the books and accounts of the Auditor of Public Accounts the State Treasurer, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the State revenue, and of the public institutions of the Commonwealth.

Such committee shall report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. At the beginning of each session the Governor shall submit such reports to the General Assembly.

The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and may employ one or more accountants to assist in its investigations.

Sec. 68. Auditing Committee, appointment and constitution; powers and duties.—The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three members of the House of Delegates, which shall be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, examine the books and accounts of the First Auditor, the State Treasurer, the Secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the State revenue, report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. The Governor shall, at the beginning of each session, submit said reports to the General Assembly for appropriate action. The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and employ one or more accountants to assist in its investigations.

NOTE TO SECTION 68

The material change merely extends the powers of the Auditing Committee to public State institutions.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

ARTICLE V

Executive Department.

Sec. 69. Governor, term of office.—The chief executive power of the State shall be vested in a Governor. He shall hold

Sec. 69. Governor, term of office.—The chief executive power of the State shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of February next succeeding his election, and be ineligible to the same

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

office for a term commencing on the third Wednesday in January next succeeding his election and ending on the Tuesday after the second Wednesday in January in the fourth year thereafter. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Proposed Amendment Agreed to by General Assembly of 1926

Sec. 69. The chief executive power of the State shall be vested in a Governor. He shall hold office for a term commencing on the Thursday after the second Wednesday in January next succeeding his election and ending on the Thursday after the second Wednesday in January in the fourth year thereafter. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Note to Section 69

This section is a modification of the amendment proposed by the General Assembly, which proposes that the term of the Governor shall commence on the Thursday after the second Wednesday in January next succeeding the election. It is deemed unwise to have the Governor inaugurated on the second day of the session. The necessary business of organizing the General Assembly will hardly have been completed, and it is believed that he should not be inaugurated on the second day of the session, but on the third Wednesday in January, or one week after the beginning of the session. The outgoing Governor should be given an opportunity to give an account of his stewardship, and the change supplies that opportunity.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 70. *How and when elected; how results ascertained; how tie or contested elections decided.*—The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, or to such other officer as may be prescribed by law, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within three days thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

Sec. 70. *How and when elected; how result ascertained; how tie or contested elections decided.*—The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of the majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

[See next page for note as to this section]

Note to Section 70

The pending amendment proposed by the General Assembly has been changed. That amendment required the vote to be counted on the first day of the session, which is fully occupied with the address of the outgoing Governor and with the organization of the General Assembly. While if there be no contest the counting of the vote is perfunctory, the situation would be otherwise if there were such a contest, and so the legislative amendment has been changed to provide that the counting shall be done within the first three days of the session, instead of on the first day of the session as the legislative amendment proposes. The original section allowed the counting to be done within one week, the proposed legislative amendment on the first day of the session; this amendment allows the first three days of the session as sufficient time therefor.

Constitution With Proposed Amendments

Sec. 71. Qualifications of Governor.—No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to the office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

Sec. 72. His place of residence and compensation.—The Governor shall reside at the seat of government. He shall receive for his services a compensation to be prescribed by law, which shall neither be increased nor diminished during the period for which he shall have been elected. While in office he shall receive no other emolument from this or any other government.

Constitution as at Present (for Comparison)

Sec. 71.—Unchanged.

Sec. 72. His place of residence and salary.—The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

Note to Section 72

The only change made is in permitting the General Assembly to fix the compensation of the Governor, under the restrictions indicated.

Constitution With Proposed Amendments

Sec. 73. Duties and powers of Governor.—The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be

Constitution as at Present (for Comparison)

Sec. 73. Duties and powers of Governor.—The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of laws; conduct, either in person or in such manner as shall be prescribed by law, all

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prescribed by law, all intercourse with other and foreign States; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed.

The Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore*, successors to all officers so suspended, and to fill, *pro tempore*, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision. Such appointments to vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly.

He shall have power to remit fines and penalties under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment.

He shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

The General Assembly may, however, provide for a pardoning board, not exceeding three in number, to be appointed by the Governor, and to serve during his pleasure. Such board may be vested with exclusive pardoning power over sentences in cases not felonious, and shall make to the General Assembly, at each session, a report similar to that required of the Governor.

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intercourse with other and foreign States; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore*, successors to all officers so suspended, and to fill, *pro tempore*, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations as may be prescribed by law; and, except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting or commuting the same.

Note to Section 73

The only change is in the addition authorizing a pardoning board in misdemeanor cases. A large portion of the Governor's time is now taken up with applications for pardons in misdemeanor cases. The purpose of the proposed amendment is to authorize the General Assembly to relieve the Governor of this burden.

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Sec. 74. Further powers of Governor.—The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of State institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney General upon any question of law affecting the official duties of the Governor.

Sec. 75. Commissions and grants; how they shall run and how attested.—Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Sec. 76. Bills, duties of Governor in regard to; proceedings of General Assembly in passing bills over veto of Governor; effect of failure of Governor to sign.—Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass a bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceeding shall be

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Sec. 74.—Unchanged.

Sec. 75.—Unchanged.

Sec. 76.—Unchanged.

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had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided, that if after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise,

Sec. 77. Lieutenant Governor, election and qualifications.—A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Sec. 77.—Unchanged.

Sec. 78. Duties of Lieutenant Governor.—In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 78.—Unchanged.

Sec. 79. Lieutenant Governor shall be President of Senate; compensation as such.—The Lieutenant Governor shall be President of the Senate, but shall have no vote except in case of an equal division; and while acting as such shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Sec. 79.—Unchanged

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Sec. 80. Secretary of the Commonwealth.—A Secretary of the Commonwealth shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first appointment under this section shall be made upon the expiration of the term of office of the Secretary of the Commonwealth, which began February first, nineteen hundred and twenty-six; but after January first, nineteen hundred and thirty-two, the election or appointment of a Secretary of the Commonwealth may be made in such manner and for such term as may be prescribed by law.

The powers and duties of the Secretary of the Commonwealth shall be prescribed by law.

On and after the first day of February, nineteen hundred and thirty, the General Assembly may abolish the office of Secretary of the Commonwealth.

Note to Section 80

This adopts the pending amendment, already once approved by the General Assembly, and gives the General Assembly power to abolish the office of Secretary of the Commonwealth.

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Sec. 81. State Treasurer.—A State Treasurer shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first appointment under this section shall be made upon the expiration of the term of office of the State Treasurer which began February first, nineteen hundred and twenty-six. But after January first, nineteen hundred and thirty-two, the election or appointment of a State Treasurer may be made in such manner and for such term as may be prescribed by law.

The powers and duties of the State Treasurer shall be prescribed by law.

Note to Section 81

This is the pending amendment in substance. It provides that until 1932 the Treasurer shall be appointed by the Governor, and until otherwise thereafter prescribed by law.

Constitution With Proposed Amendments

Sec. 82. Auditor of Public Accounts.—An Auditor of Public Accounts shall be

Constitution as at Present (for Comparison)

Sec. 80.—Secretary of the Commonwealth, election and duties; disposition of fees received by him.—A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary, and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

Constitution as at Present (for Comparison)

Sec. 81. State Treasurer.—A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. His powers and duties shall be prescribed by law.

Constitution as at Present (for Comparison)

Sec. 82.—Unchanged.

Constitution With Proposed Amendments

elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Sec. 83. Salaries of officers of executive department.—The salary of each officer of the executive department shall be fixed by law, and shall not be increased or diminished during his term of office.

Constitution as at Present (for Comparison)

Sec. 83. Salaries of officers of executive department.—The salary of each officer of the executive department, except in those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

Note to Section 83

The change made is in omitting the words "except in those cases where the salary is determined by this Constitution." The proposed amendment to section 72 has eliminated the only instance to which this clause would apply.

Constitution With Proposed Amendments

Sec. 84. Checks and balances on officers entrusted with collection of revenue, establishment of.—The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

Sec. 85. Bond of officers handling State funds.—All State officers and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

Sec. 86. Bureau of Labor and Statistics.—The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

Constitution as at Present (for Comparison)

Sec. 84.—Unchanged.

Sec. 85.—Unchanged.

Sec. 86.—Unchanged.

ARTICLE VI**Judiciary Department**

Sec. 87. Composition and jurisdiction.—The judicial power of the State shall be vested in a Supreme Court of Appeals, circuit courts, city courts, and such other courts, inferior to the Supreme Court of Appeals, as are hereinafter authorized, or

Sec. 87. Composition and jurisdiction.—The judiciary department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges

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as may be hereafter established by law. The jurisdiction of these tribunals, and of the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

The Governor may be authorized by law to appoint judges *pro tempore*.

Constitution as at Present (for Comparison)

thereof, except so far as conferred by this Constitution, shall be regulated by law.

Note to Section 87

This section as revised preserves existing courts, with authority to establish such other inferior courts as the General Assembly may prescribe. It also authorizes the General Assembly to provide for the appointment of *pro tempore* judges by the Governor.

Constitution With Proposed Amendments

Sec. 88. Supreme Court of Appeals; composition and jurisdiction.—The Supreme Court of Appeals shall consist of at least seven judges, and additional judges may, from time to time, be authorized by law.

The court may sit in two divisions. Any three of such judges may hold a court, and shall have the full power and authority of the court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this Constitution, or provided by law, subject to the supervision and control of the court as a whole, and to such rules and regulations as the court may prescribe; but there shall be no judgment of reversal, nor the exercise of original jurisdiction, unless concurred in by at least three judges, or, if more than five are sitting, by a majority of those sitting.

The court shall have original jurisdiction in cases of habeas corpus, mandamus and prohibition, but in other cases in which it shall have jurisdiction it shall have appellate jurisdiction only.

Subject to such reasonable rules as may be prescribed by law as to the course of appeal, the limitation as to time, the value, amount or subject matter involved, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law as being repugnant to the Constitution of the State or of the United States, or involving the life or liberty of any person; and in such other cases as may be prescribed by law. No appeal shall be allowed to the Commonwealth in a case involving the life or liberty of a person.

An appeal by the Commonwealth may be allowed in any case involving the

Constitution as at Present (for Comparison)

Sec. 88. Supreme Court of Appeals, composition and jurisdiction; exceptions to jurisdiction; temporary vacancies, how filled.—The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the State revenue. No bond shall be required of any accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or

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violation of a law relating to the State revenue.

No bond shall be required of an accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

Each of the judges shall have the title of justice. The judge longest in continuous service shall be chief justice; and if two or more shall have so served for the same period, the senior in years of these shall be chief justice.

boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation to levy tolls or taxes or involving the construction of any statute, ordinance or county proceeding imposing taxes; and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State, or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

Note to Section 88

The Commission deems it advisable for the better dispatch of business and in conformity to precedent in other States that the Supreme Court of Appeals should be permitted to divide itself into two sections, and provision is accordingly made therefor.

The General Assembly should have the same power to increase the number of judges of the Supreme Court of Appeals as it has to increase the number of judges of other courts. The pending amendment herein incorporated in substance authorizes the increase in the number of such judges to seven to meet the requirements of present business.

No one can foresee that developing business and consequent increase in litigation may not in the future require additional judges. This is particularly true because Virginia has no intermediate appellate courts.

As it is common practice throughout the country to designate the judges of the highest appellate court as justices, this change is suggested for conformity.

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Sec. 89. Special Court of Appeals.—The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record, or of the judges of either of said courts, or of any of the judges of said courts together with one or more of the judges of the Supreme Court of Appeals.

Constitution as at Present (for Comparison)

Sec. 89. Special Court of Appeals.—The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts together with one or more of the judges of the Supreme Court of Appeals.

Note to Section 89

The words "in cities of the first class," after the words "city courts of record," occurring in the last sentence of the original section, are eliminated. There is no reason for discriminating against judges of courts of record in cities of the second class.

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Sec. 90. Opinions and judgments of the Supreme Court of Appeals.—When a judgment or decree is reversed, modified or affirmed by the Supreme Court of Appeals, the reasons therefor shall be stated in writing and preserved with the record of the case. The court may, but need not, remand a case for a new trial. In any case, civil or criminal, it may enter final judgment.

Constitution as at Present (for Comparison)

Sec. 90. Opinions of Supreme Court of Appeals shall be written.—When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

Note to Section 90

(1) The word "modified" is added after the word "reversed" in the first line for obvious reasons.

(2) This section as amended gives the court power to enter final judgment and end the litigation. This is in accord with the English practice, and the practice in many of the States, and is deemed by the Commission an important step in response to the ancient and nation-wide complaint of the law's delay in the administration of justice.

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Sec. 91. Qualifications and terms of judges of Supreme Court of Appeals; how chosen.—The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly for terms of twelve years. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years.

Constitution as at Present (for Comparison)

Sec. 91. Qualifications and terms of judges of Supreme Court of Appeals; how chosen.—The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and

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twelve years respectively; and thereafter they shall be elected for terms of twelve years.

Note to Section 91

The only material change is the omission of the last sentence, which has become obsolete.

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Sec. 92. Officers of Supreme Court of Appeals.—The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

The Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Sec. 92. Officers of Supreme Court of Appeals.—The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

Note to Section 92

The last paragraph is transferred from old section 132 as this is the most appropriate section for it.

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Sec. 93. Sessions of Supreme Court of Appeals.—The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

Sec. 93.—Unchanged.

Sec. 94. Judicial circuits, number and constitution.—The judicial circuits of the State shall continue as at present until changed as hereinafter provided.

Sec. 94. Judicial circuits, number and constitution.—The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greenville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of

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Danville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

Note to Section 94

The existing section is obsolete. The proposed amendments simply brings the matter up to date.

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Sec. 95. Powers of General Assembly to rearrange judicial circuits; limitations.—The General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.

Sec. 95. Powers of General Assembly to rearrange judicial circuits; limitations.—After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.

Note to Section 95

The words "After the first day of January, nineteen hundred and six, as the public interest requires" are eliminated, as obsolete.

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Sec. 96. Circuit judges; election, qualifications; residence and term of office.—For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly for a term of eight years. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge.

Sec. 96. Circuit judges, election, qualifications; residence and term of office.—For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively: and thereafter they shall be elected for terms of eight years.

Note to Section 96

The only material change is in the omission of such portion of the section as has become obsolete.

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Sec. 97. Terms of circuit courts; judges may be required to hold terms in other circuits.—The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

Sec. 97.—Unchanged.

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Sec. 98. Division of cities into classes; courts of each class, additional courts of cities, how provided; abolition and cessation of corporation or city court.—For the purposes of a judicial system, the cities of the State shall be divided into two classes.

Cities having a population of ten thousand or more, as shown by the last United States census, or other census provided by law, shall be cities of the first class; and those having a population of less than ten thousand, as thus shown, shall be cities of the second class.

In each city of the first class, there may be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law.

In every city of the second class, the corporation or hustings court now existing shall continue under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified voters of such city at an election held for the purpose. And whenever the office of judge of a corporation or hustings court of a city of the second class, whose annual salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law; and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law. During the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in actions at law and suits in equity.

Constitution as at Present (for Comparison)

Sec. 98. Division of cities into classes; courts of each class, additional courts of cities, how provided; abolition and cessation of corporation or city court.—For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote by a majority of the qualified electors of such city at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.

Note to Section 98

This section is unchanged in substance except that a city of the first class is not compelled to have a city or corporation court.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 99. Judges of city courts; qualifications, term of office and residence; holding court in other circuits.—For each city court of record a judge shall be chosen for a term of eight years by a joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than ten thousand inhabitants, may reside outside of the city limits; and such judge may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. The judges of city courts may be required or authorized to hold the circuit or city courts of any county or city.

Sec. 99. Judges of city courts, election, qualifications and residence; residence and privilege of judge of corporation court of city of less than five thousand inhabitants; judges of city courts of cities of first class may be required or authorized to hold terms in other circuits.—For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

Note to Section 99

The material changes are in striking out obsolete provisions in next to the last sentence, and the words "in cities of the first class" in the last sentence, and in authorizing judges of city courts of the second class to reside outside of the city limits.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 100. Courts of land registration.—The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State, or any part thereof.

Sec. 100.—Unchanged.

Sec. 101. Clerks of courts; jurisdiction in cases of wills, insane persons, etc.—The General Assembly may confer upon the clerks of the several courts having probate jurisdiction, jurisdiction of the probate of wills, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and com-

Sec. 101. Clerks of circuit courts, jurisdiction in cases of wills, insane persons, etc.—The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to

Constitution With Proposed Amendments

mittees of persons adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Constitution as at Present (for Comparison)

probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Note to Section 101

The only material change is in authorizing the extension of the jurisdiction here provided for to clerks of all courts having probate jurisdiction, instead of restricting the jurisdiction to clerks of circuit courts.

Constitution With Proposed Amendments

Sec. 102. Judges, how commissioned; salaries and allowances; terms of office; vacancies.—Judges shall be commissioned by the Governor. They shall receive such salaries and allowances as shall be prescribed by law, the amount of which shall not be diminished during their term of office. Their term of office shall commence on the first day of February next following their election. Whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Constitution as at Present (for Comparison)

Sec. 102. Judges, how commissioned; salaries and allowances, terms of office; vacancies.—All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Note to Section 102**Changes:**

The words "increased or" in the second sentence have been omitted. The judicial tenure of office extends from eight to twelve years. If conditions require an increase of compensation the General Assembly should have power to meet these new conditions.

An additional reason for the amendment is that the terms of office of the judges expire at different times. The result is that judges of the same class, doing equivalent work, are now receiving different salaries. The amendment authorizes the General Assembly to make proper adjustment in this particular.

Constitution With Proposed Amendments

Sec. 103. Salaries of judges.—The salaries of judges shall be paid out of the State treasury, but the State shall be reimbursed for one-half of the salaries of each of the circuit judges by the counties and cities composing the circuit, according to their respective populations, and of each of the judges of a city of the first class by the city in which such judge presides; except that the entire salary of the judge of the circuit court of the city of Richmond shall be paid by the State. A county or city may increase the salary of its circuit or city judge, or any one or more of them, such increase to be paid wholly by such county or city, and not to be diminished during the term of office of such judge. A city containing less than

Constitution as at Present (for Comparison)

Sec. 103. Salaries of judges.—The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

ten thousand inhabitants shall pay the salary of its city judge.

annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the State treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, or any one or more of them, as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

Note to Section 103

This section has been redrafted and simplified. The material changes are in the omission of provisions fixing the minimum amount of judicial salaries and in giving to counties the option to supplement judicial salaries.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 104. Removal of judges for cause.—Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 104.—Unchanged.

Sec. 105. Judges shall not practice law or hold office of public trust; exception.—No judge of a court of record shall practice law within or without this State, nor hold any other office of public trust during his continuance in office; except that the judge of a city court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Sec. 105. Judges shall not practice law or hold office of public trust; exception.—No judge of the Supreme Court of Appeals, of the circuit court, or any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Note to Section 105

The only material change is in the omission of the words "the Supreme Court of Appeals, of the circuit court, or of any city" so as to extend the constitutional prohibition to the judge of any court of record now existing or hereafter established.

Constitution With Proposed Amendments

Sec. 106. Writs and indictments.—Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

Sec. 107. Attorney General, election, commission, duties and compensation.—An Attorney General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Sec. 108. Justices of the peace.—The General Assembly may provide for the appointment or election of justices of the peace and prescribe their jurisdiction.

Constitution as at Present (for Comparison)

Sec. 106.—Unchanged.

Sec. 107.—Unchanged.

Sec. 108. Justices of the peace.—The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

Note to Section 108

The change is in giving the General Assembly complete freedom in exercising the power conferred in the proposed amendment of section 87 foregoing.

Constitution With Proposed Amendments

Sec. 109. Applications for bail.—The General Assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.

Constitution as at Present (for Comparison)

Sec. 109.—Unchanged.

ARTICLE VII**Organization and Government
of Counties**

Sec. 110. County officers, number, terms and compensation; county organization.—There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county, unless the method of selection be otherwise provided by law, one commissioner of the revenue.

The duties and compensation of such officers shall be prescribed by the general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

Sec. 110. County officers, number, terms and compensation.—There shall be elected by the qualified voters of each county one county treasurer, one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected by the qualified voters of each county, for four years, commissioners of the revenue for each county, the number, duties and compensation of whom shall be prescribed by law.

There shall be appointed for each county, in such manner as may be provided by law, one superintendent of the poor and one county surveyor.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties conjointly. The provisions for such conjointly elected or appointed officers shall apply only to such counties as may adopt the same by a majority vote of the qualified voters of each of such counties voting in any election held for such purpose.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions; such consolidation shall apply only to such counties and cities as may authorize the same in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may by general law provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

Note to Section 110

This section has been recast in order to authorize the General Assembly to establish such form of county organization and government as may be deemed expedient, and to submit the question of adoption to popular vote. There is also a provision permitting the consolidation of charitable and penal institutions. The commissioner of the revenue remains elective by the people until the method of selection is changed by the General Assembly.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 111. Magisterial districts, supervisors; how chosen, powers and duties.—The magisterial districts shall, until changed by law, remain as now constituted; provided, that hereafter no additional districts shall be made containing less than thirty square miles. Subject to the provisions of section one hundred and ten, in each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

Sec. 111. Magisterial districts, supervisors; how chosen, powers and duties.—The magisterial districts shall, until changed by law, remain as now constituted; provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

[See next page for note as to this section]

Note to Section 111

This section has been changed to conform to section 110.

Constitution With Proposed Amendments

Sec. 112. Elections for county and district officers, when held; terms of officers.—Regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and such officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years.

Constitution as at Present (for Comparison)

Sec. 112. Elections for county and district officers, when held; terms of officers.—All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years; provided that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

Note to Section 112

No material change is made. The proviso at the end of the section is omitted as obsolete.

Constitution With Proposed Amendments

Sec. 113. No person shall hold more than one office at the same time. Additional security may be required of officer.—Subject to the provisions of section one hundred and ten foregoing, no person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Constitution as at Present (for Comparison)

Sec. 113. No person shall hold more than one office at the same time. Additional security may be required of officer.—No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Note to Section 113

No material change made. The initial clause is added to conform the provisions of this section to section 110.

Constitution With Proposed Amendments

Sec. 114. County not responsible for acts of sheriff.—Counties shall not be made responsible for the acts of the sheriffs.

Constitution as at Present (for Comparison)

Sec. 114.—Unchanged.

Sec. 115. Examination of books, accounts, etc., of officers handling public funds.—The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

Sec. 115.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

ARTICLE VIII

Organization and Government of Cities and Towns

Sec. 116. Definitions of cities and towns. —As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

Sec. 116.—Unchanged.

Sec. 117. General Assembly shall enact laws for government of cities and towns; how special act therefor passed; as to city charters existing at adoption of Constitution.

Sec. 117.—Unchanged.

—(a) General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly; provided, that every such charter is hereby amended to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

(b) The General Assembly may, by general law or by special act (passed in the manner provided in Article Four of this Constitution) provide for the organization and government of cities and towns without regard to, and unaffected by any of the provisions of this article, except those

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

of sections one hundred and twenty-four, one hundred and twenty-five (except so far as the provisions of section one hundred and twenty-five recognize the office of mayor and the power of veto), one hundred and twenty-six, one hundred and twenty-seven and one hundred and twenty-eight of this article, and except those mentioned in subsection (d) of this section. The term "council" as used in any of said sections shall include the body exercising legislative authority for the city or town, and all ordinances enacted and resolutions adopted by such body shall have the same force and effect for all purposes, as if enacted or adopted in accordance with the provisions of section one hundred and twenty-three of this article. But such organization and government shall apply only to such cities or towns as may thereafter adopt the same by a majority vote of those qualified voters of any such city or town voting in any election to be held for the purpose, as may be provided by law.

(c) The General Assembly, at the request of any city or town, made in manner provided by law, may grant to it any special form of organization and government authorized by subsection (b) of this section, and subject to all of the provisions of that subsection except that it shall not be necessary for such city or town to thereafter adopt the same.

(d) Any laws or charters enacted pursuant to the provisions of this section shall be subject to the provisions of this Constitution relating expressly to judges and clerks of courts, attorneys for the Commonwealth, commissioners of revenue, city treasurers and city sergeants.

(e) Any form of organization and government authorized by any provisions of this section which may have been adopted heretofore by any city or town pursuant to any act of the General Assembly enacted before such provision became effective, and which is now in operation, is hereby declared legal and valid *ab initio*, and shall have the same force and effect as if it had been authorized by this Constitution at the time of its adoption.

Sec. 118. Clerks of city courts, elections, duties and number; only one in city of less than thirty thousand inhabitants.—In each city which has a court in the office of which deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city

Sec. 118. Clerks of city courts, elections, duties and number; only one in city of less than thirty thousand inhabitants.—In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said

Constitution With Proposed Amendments

a clerk of said court, who shall perform such duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than thirty thousand inhabitants there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Constitution as at Present (for Comparison)

court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Note to Section 118

Only change made designed to improve form.

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Sec. 119. Commonwealth's attorney in cities; commissioner of revenue in cities.—In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected, unless the method of selection be otherwise provided by law, one commissioner of the revenue for a term of four years.

The duties and compensation of such officers shall be prescribed by law.

Constitution as at Present (for Comparison)

Sec. 119. Commonwealth's attorney in cities; commissioner of revenue in cities.—In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law.

Note to Section 119

The commissioner of the revenue remains elective by the people until the method of selection is changed by the General Assembly. This amendment provides that the duties and compensation of both the attorney for the Commonwealth and the commissioner of the revenue shall be prescribed by law.

Constitution With Proposed Amendments

Sec. 120. City officers, their titles, election, powers and duties.—In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

Constitution as at Present (for Comparison)

Sec. 120.—Unchanged.

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The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

Sec. 121. City council, composition, how elected, powers and duties; ineligibility of members to certain offices; powers and duties as to reapportionments; when mandamus against council lies.—There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but the General Assembly may permit the council to consist of one branch.

No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment.

The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the

Sec. 121. City council, composition, how elected, powers and duties; ineligibility of members to certain offices; powers and duties as to reapportionments; when mandamus against council lies.—There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries,

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boundaries, of the wards thereof, and shall, in the year nineteen hundred and thirty-three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, reapportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any city shall fail to perform the duty so prescribed, a mandamus shall lie on behalf of any citizen thereof to compel its performance.

Note to Section 121

One change made is to eliminate the words "nineteen hundred and three," which are obsolete, and insert in lieu thereof "nineteen hundred and thirty-three." The change brings the section up to date. The other change is to empower the General Assembly to permit cities of more than ten thousand population to have only one branch of the council, a power already possessed by the General Assembly as to cities of less than ten thousand population.

Constitution With Proposed Amendments

Sec. 122. Election and terms of office of city officers.—The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidentally with that of the judges of said courts: provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

Sec. 123. Ordinances, proceedings to pass over veto of mayor; as to appropriation ordinances vetoed.—Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it, but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it.

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of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, reapportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a *mandamus* shall lie on behalf of any citizen thereof to compel its performance.

Constitution as at Present (for Comparison)

Sec. 122.—Unchanged.

Sec. 123.—Unchanged.

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If after such consideration two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this

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section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

Sec. 124. Consent of corporate authorities necessary to use of streets, alleys, or public grounds by certain companies or persons.—

No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air viaduct, conduit telephone or bridge, company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

*Sec. 124.—*Unchanged.

Sec. 125. Sale of corporate property and granting of franchises by cities and towns.—

The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensa-

*Sec. 125.—*Unchanged.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

tion to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

Sec. 126. Corporate limits, contraction or extension of, General Assembly shall provide for.—The General Assembly shall provide by general laws for the extension and the contraction, from time to time of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

Sec. 127. Concerning bonded indebtedness of cities and towns.—No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen *per centum* of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section: and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then

Sec. 126.—Unchanged.

Sec. 127.—Unchanged.

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current year; provided that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year;

(b) Bonds authorized by an ordinance enacted in accordance with section one hundred and twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

Sec. 128.—Omitted.

Sec. 128. Assessment of real estate therein.—In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of State taxation, whenever there shall be a State assessment of such property.

Note to Omitted Section 128

Omitted as inconsistent with other provisions of this Constitution making effective the segregation system of taxation. Sections in Article XIII make ample provision for the assessment and taxation of all property for both State and local purposes.

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ARTICLE IX

Education and Public Instruction

Sec. 128. Free schools to be maintained.—The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

Sec. 129.—Unchanged.

Note to Section 128

Original number 129 changed to 128.

Constitution With Proposed Amendments

Sec. 129. State Board of Education; composition; vacancies, how filled.—The general supervision of the school system shall be vested in a State Board of Education, to be appointed by the Governor, subject to confirmation by the General Assembly, and to consist of such number, with such tenure of office and such provision for the filling of vacancies therein as may be prescribed by law.

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Sec. 130. State Board of Education, composition; vacancies, how filled.—The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate from a list of eligibles consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continue its annual appropriation to the last-named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

Note to Section 129

Original number 130 changed to 129.

There appears to be general agreement that the composition of the State Board of Education should be changed. Both experience and educational authorities recommend that the State Board of Education should be appointed by the Governor. The new section provides for confirmation by the General Assembly and leaves the General Assembly free to determine the number, the tenure of office and provisions for filling vacancies in the State board. Under this provision the Governor may use his discretion in the selection of the members of the State board and is responsible for its composition. The present requirements for the composition of the board are rigid and complicated.

Constitution With Proposed Amendments

Sec. 130. Superintendent of Public Instruction, how appointed or elected, term of office; how vacancies filled, duties.—A Superintendent of Public Instruction, who shall be an experienced educator, shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first

Constitution as at Present (for Comparison)

Sec. 131. Superintendent of Public Instruction, how elected, term of office; how vacancies filled, duties.—The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

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appointment under this section shall be made upon the expiration of the term of office of the Superintendent of Public Instruction, which began February first, nineteen hundred and twenty-six; but after January first, nineteen hundred and thirty-two, the appointment or election of a Superintendent of Public Instruction may be made in such manner and for such term as may be prescribed by law.

The Superintendent of Public Instruction shall be the executive officer of the State Board of Education, and shall have such powers, perform such duties and receive such compensation as shall be provided by law.

His duties shall be prescribed by the State Board of Education, of which he shall be *ex-officio* president; and his compensation shall be fixed by law.

Note to Section 130

Original number 131 changed to 130.

Provides for the appointment of the Superintendent of Public Instruction by the Governor. This section follows the amendment already approved by the last session of the General Assembly. It was insisted before the Commission that the Governor should appoint the members of the State Board of Education, and that this board should select the Superintendent of Public Instruction. The Commission deems it best, however, to permit the Governor to appoint the Superintendent of Public Instruction until after January 1, 1932, when, in the light of experience, the General Assembly may provide for the appointment or election of the Superintendent of Public Instruction in such manner and for such term as it may deem best.

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Sec. 131. Powers and duties of State Board of Education.—The duties and powers of the State Board of Education shall be as follows:

First. It shall divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall certify to the local school board or boards of each division in the State a list of persons having reasonable academic and business qualifications for division superintendent of schools, one of whom shall be selected as the superintendent of schools for such division by the said school board or boards, as provided by section one hundred and thirty-two of this Constitution.

Second. It shall have the management and investment of the school fund under regulations prescribed by law.

Third. It shall have such authority to make rules and regulations for the management and conduct of the schools as the General Assembly may prescribe; but until otherwise provided by law, the State Board of Education may continue existing rules and regulations in force and amend or change the same.

Sec. 132. Powers and duties of State Board of Education.—The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select textbooks and educational appliances for use in the schools of the State, exercising such dis-

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Fourth. It shall select textbooks and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

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cretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Note to Section 131

Changes made:

(1) Original number 132 changed to 131.

(2) The fifth clause of the original section, providing for a board of directors of the State Library, omitted as a matter of detail that should not be in the Constitution, and the control of the law library is vested in the Supreme Court of Appeals by section ninety-two.

(3) The amended section directs the State Board of Education to certify to the local boards of each school division a list of eligibles, from which such local board or boards shall select the superintendent of schools for each division. After long study, this plan is deemed best by the Commission. It gives the local boards the discretion to select a local superintendent, and, at the same time, insured reasonable business and professional qualifications in the superintendent selected. The amendment emphasizes the requirement that the division school superintendent shall have business as well as educational qualifications. The authority to select local school superintendents is transferred from the State Board of Education to the local boards, and, at the same time, the efficiency of division superintendents is safeguarded.

(4) Complaint has been made that the control of the public school system has been removed too far from the people by the complicated creation of the State Board of Education and the vesting in that board of the power to make rules and regulations for the management and conduct of schools that shall have the force of law. It is insisted that the authority of the General Assembly to revise, amend or repeal such rules and regulations does not retain in that legislative agent of the people of Virginia that degree of flexible and effective control of the schools which it should have. In suggesting this change we neither make nor imply unfavorable criticism of the rules and regulations made by the State board, but suggest the amendment to make the school administration more responsive to the General Assembly elected by the people. This change, together with the appointment of the State board and the Superintendent of Public Instruction by the Governor, elected directly by the people, gives the people a large measure of control over their public schools, and removes just grounds for the criticism that these schools will be beyond popular control, if the suggested amendments be adopted.

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Sec. 132. School districts; school trustees.—The supervision of schools in each county and city shall be vested in a school board, to be composed of trustees to be selected in the manner, for the term and to the number provided by law. Each magisterial district shall constitute a separate school district as the basis of representation on the school board of

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Sec. 133. School districts; school trustees.—Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be not more than three trustees selected, in the manner and for the term of office prescribe by law.

Men and women may serve as school trustees in said districts, and in cities and

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such county or city, unless otherwise provided by law.

in towns forming separate school districts.

There shall be appointed by the school board or boards of each school division, one division superintendent of schools, who shall be selected from a list of eligibles certified by the State Board of Education, and shall hold office for four years. In the event that the local board or boards fail to elect a division superintendent within the time prescribed by law, the State Board of Education shall appoint such division superintendent.

Note to Section 132

Original number 133 changed to 132.

The explanation made under section 131 applies to this section also. The provision that the State Board of Education shall appoint a division superintendent of schools in the event that the school division fails to elect from the list of eligibles certified by the State Board of Education is designed to meet the remote contingency of one or more local boards failing to select a division superintendent. The General Assembly is left free to prescribe the detailed regulations to meet this contingency.

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Sec. 133. Literary fund.—The General Assembly shall set apart as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offenses committed against the State, and such other sums as the General Assembly may appropriate.

Sec. 134.—Unchanged.

Note to Section 133

Original number 134 changed to 133.

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Sec. 134. Appropriations for school purposes.—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury and not returnable to the counties and cities, and such appropriations as it may otherwise make for school purposes, for the benefit of all of the people of the State, to be apportioned on a basis to be provided by law.

Sec. 135. Appropriations for school purposes, school age.—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; but if at

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any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of State revenue to the support of the schools not less than that provided in this section.

Note to Section 134

Original number 135 changed to 134.

The amendment to this section is designed to eliminate unnecessary matter in the existing clause. The General Assembly is left free by the amendment to apportion the available school funds from time to time on the basis determined to be best. The Commission believes that the General Assembly should not be confined to a particular method of apportioning school funds.

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Sec. 135. Local school taxes.—Each county, city or town, if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate in any one year a rate of levy to be fixed by law, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require; provided that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

Sec. 136.—Unchanged.

Note to Section 135

Original number 136 changed to 135.

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Sec. 136. Agricultural, normal, manual training and technical schools.—The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

Sec. 137.—Unchanged.

Note to Section 136

Original number 137 changed to 136.

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Sec. 137. Compulsory education; exceptions.—The General Assembly may, in its discretion, provide for the compulsory education of children of school age.

Sec. 138.—Unchanged.

Note to Section 137

Original number 138 changed to 137.

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Sec. 138. Free textbooks.—Provision shall be made to supply children attending the public schools with necessary textbooks in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

Sec. 139.—Unchanged.

Note to Section 138

Original number 139 changed to 138.

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Sec. 139. Mixed schools prohibited.—White and colored children shall not be taught in the same school.

Sec. 140.—Unchanged.

Note to Section 139

Original number 140 changed to 139.

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Sec. 140. State appropriations prohibited to schools or institutions of learning not owned or exclusively controlled by State or some subdivision thereof; exceptions to rule.—No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to nonsectarian schools of manual, industrial, or technical training, and also to any school or institution of learning

Sec. 141.—Unchanged.

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owned or exclusively controlled by such county, city, town, or school district.

Note to Section 140

Original number 141 changed to 140.

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Sec. 141. Boards of visitors and trustees of educational institutions, how appointed, and term of office.—Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years.

Sec. 142.—Unchanged.

Note to Section 141

Original number 142 changed to 141.

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ARTICLE X

Agriculture and Immigration

Sec. 142. Department of Agriculture and Immigration, where maintained, how controlled, composition, qualification of members, how appointed and term of office.—There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be *ex-officio* member of the board.

Sec. 143. Department of Agriculture and Immigration, where maintained, how controlled, composition, qualification of members, how appointed and term of office.—There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be *ex-officio* member of the board: provided, that members of the board first appointed under this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

Note to Section 142

Original number 143 changed to 142.

No change made except to eliminate that part of the last sentence beginning "provided that, etc.," now obsolete.

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Sec. 143. Powers and duties of same.—The powers and duties of the board shall be prescribed by law; provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

Sec. 144. Unchanged.

Note to Section 143

Original number 144 changed to 143.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 144. Commissioner of Agriculture and Immigration; term of office; how elected; powers and duties.—A Commissioner of Agriculture and Immigration shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of each Governor making the appointment; provided, however, that the first appointment under this section shall be made upon the expiration of the term of office of the Commissioner of Agriculture and Immigration which began February first, nineteen hundred and twenty-six; but after January first, nineteen hundred and thirty-two, the election or appointment of a Commissioner of Agriculture and Immigration may be made in such manner and for such term as may be prescribed by law. The powers and duties of the Commissioner of Agriculture and Immigration shall be prescribed by law.

Sec. 145. Commissioner of Agriculture and Immigration; term of office; how elected; powers and duties.—There shall be a Commissioner of Agriculture and Immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

Note to Section 144

Original number 145 changed to 144.

This is in substance the pending amendment. It refers to the selection of the Commissioner of Agriculture.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 145. President of Board of Agriculture and Immigration to be ex-officio member of Board of Visitors of Virginia Polytechnic Institute.—The president of the Board of Agriculture and Immigration shall be *ex-officio* a member of the Board of Visitors of the Virginia Polytechnic Institute.

Sec. 146.—Unchanged.

Note to Section 145

Original number 146 changed to 145.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

ARTICLE XI

Charitable and Penal Institutions

Sec. 146. Public, Charitable, Reformatory, or Penal Institutions.—Such charitable, sanitary, benevolent, reformatory or penal institutions as the claims of humanity and the public good may require shall be established and operated by the Commonwealth under such organization and in such manner as the General Assembly may prescribe.

Until otherwise prescribed by law, the existing institutions and laws with respect thereto shall continue.

Sec. 147. State penitentiary.—There shall be a State penitentiary, with such branch prisons and prison farms as may be provided by law.

Note to Section 146

Original number 147 changed to 146.

This section is a substitute for the whole of Article XI (composed of old sections 147 to 152, inclusive), and is intended to confer upon the General Assembly more latitude, in order to meet changing conditions as developed by later scientific study of the subjects mentioned in the section.

The proposed amendment, if adopted, will supersede the necessity for the pending amendment to section 152, providing for the abolition of the Commissioner of State Hospitals.

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Omitted. See note to section 146.

Sec. 148. Board of Directors of same, number, how appointed, powers; superintendents and surgeons.—There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons, and prison farms, and shall appoint the superintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons, and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively; and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

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Omitted. See note to section 146.

Sec. 149. Boards of directors for State hospitals for insane, number of members; how appointed, powers and terms of office.—For each State hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it is appointed under the supervision and control of the general board of directors hereinafter constituted. The terms of the directors first appointed shall be two, four, and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

Sec. 150. General board of directors of State hospitals for the insane, composition and powers.—There shall be a general board of directors for the control and management of all the State hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

Omitted. See note to section 146.

Sec. 151. Superintendents of State hospitals for the insane; how appointed; how and for what removable; powers; how other resident officers of insane hospitals appointed; terms of office of superintendents.—The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital.

Omitted. See note to section 146.

Sec. 152. Commissioner of State hospitals for the insane; how appointed; term of office, powers and duties; bond, salary.—There shall be a Commissioner of State Hospitals for the Insane, who shall be

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

ARTICLE XII

Corporations

Sec. 147. Definition of terms used in article; article not to conflict with Federal Constitution.—As used in this article, the term “corporation” or “company” shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term “charter” shall be construed to mean the charter of incorporation by, or under, which any such corporation is formed; the term “transportation company” shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term “rate” shall be construed to mean “rate of charge for any service rendered or to be rendered;” the terms “rate,” “charge” and “regulation,” shall include joint rates, joint charges, and joint regulations, respectively; the term “transmission company” shall include any company owning, leasing or operating for hire, any telegraph or telephone line; the term “freight” shall be construed to mean any property transported, or received for transportation, by any transportation company; the term “public service corporation” shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the

appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be *ex-officio* chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

Sec. 153.—Unchanged.

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same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Note to Section 147

Original number 153 changed to 147.

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Sec. 148. As to chartering of corporations, and legislation relating thereto by General Assembly; surrender of charters; special acts regulating corporations prohibited.—

The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or misuser. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

*Sec. 154.—*Unchanged.

Note to Section 148

Original number 154 changed to 148.

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Sec. 149. State Corporation Commission; how appointed; term of office; how vacancies filled; who ineligible; qualifications of at least one member; how removed or impeached; officers, how elected; rules of order and procedure; general provisions; salaries.—A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session. Their regular term of office shall be six years, respectively. The present commissioners shall continue in office until the expiration of their respective terms. The terms of their successors shall begin on the first day of February next succeeding their appointment and confirmation.

Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a successor for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointment, enter upon the duties of their office.

But no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned *sine die* without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm.

No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof.

At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court.

The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and

Sec. 155. State Corporation Commission; how appointed; term of office; how vacancies filled; who ineligible; qualifications of at least one member; how removed or impeached; officers, how elected; rules of order and procedure; general provisions; salaries; election of members after January 1, 1908; how vacancies then filled.—A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February, nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned *sine die* without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court. The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom

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subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof.

The General Assembly may establish within the department, and subject to the supervision and control of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department.

All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the exercise of the judicial legislative and discretionary functions of the commission, whether there be a vacancy in the commission or not, but a quorum shall not be necessary for the exercise of its administrative functions which are mandatory. The commission shall keep its office open for business on every day except Sundays and legal holidays.

Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties.

The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued by the commission of its own motion; and shall fix the salaries of the members of the commission.

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shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control, of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued, by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

Note to Section 149

Changes made:

- (1) Original number 155 changed to 149.
- (2) The provision for the appointment of members of the Commission by the Governor, subject to confirmation, which is in accordance with existing law.
- (3) The language of the second sentence has been altered in the elimination of obsolete matter.
- (4) The change as to quorum is important because the original clause has been at times construed to prevent and delay the routine business of the commission. A very large part of its business is imposed by mandatory statutes, is of necessity done by

clerks and subordinates of the commission, and requires no official action except general supervision. A quorum of the commission is forced frequently to have hearings in distant sections of the State, and the strictest construction of the original clause would stop all of the administrative business of the commission while two of the members were away from Richmond. It should be borne in mind that these administrative functions are imposed either by the Constitution or by statutes which are mandatory. The proposed amendment removes all question.

(5) There is no reason why the clerks, assistants and subordinates of the commission should be classified differently from the employees in other departments. The subject is entirely within the control of the General Assembly.

(6) Reference to the minimum salaries of the commissioners has been eliminated in accordance with the policy of the commission to suggest amendments to the Constitution to leave all questions of salaries to the General Assembly.

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Sec. 150. Powers, duties and method of procedure of commission.—(a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State.

The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form. It shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works on July tenth, nineteen hundred and two, except so far as they are or may be inconsistent with the law or this Constitution.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and

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Sec. 156. Powers, duties and method of procedure of commission.—(a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conven-

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maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void.

The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company.

Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once

iences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of

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a week for four consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission.

The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws; provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delin-

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the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws; provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and

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quent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law.

The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisalment of their franchises, for taxation, or with the investigation of the subject of taxation generally.

Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offense; provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in subsection (e) of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to

to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisalment of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offense; provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in subsection (e) of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deem-

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costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals, from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee.

The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney General or his legally appointed representatives. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeal as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of supersedeas may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company

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ing himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals, from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney General or his legally appointed representatives. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of supersedeas may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been executed, and filed with, and approved by,

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shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been executed, and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal, and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus*, and Commonwealth's cases already on the docket of the court.

the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus*, and Commonwealth's cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon

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(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal; provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct, but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commis-

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which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal; provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct, but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classifications of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission therefore entered by it and appealed from, but based upon circumstances different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering

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sion theretofore entered by it and appealed from, but based upon circumstances different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal;* but no order of the commission, prescribing or altering such rates, charges, classifications rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned, provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(j) In addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend subsections (a) to (i), inclusive, of this section, or any of them, or any such amendment thereof; provided, that no amendment made under authority of this subsection shall contravene the provisions of any part of this Constitution other than the subsections

such rates, charges, classifications rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned, provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(j) [No subdiv. "j" in official copy.]

(k) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner, shall cease to exist; and all books, papers and documents pertaining thereto, shall be transferred to, and become a part of the records of, the offices of the State Corporation Commission.

(l) After the first day of January, nineteen hundred and five, in addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend subsections a to i, inclusive, of this section, or any of them, or any such amendment thereof; provided, that no amendment made under authority of this subsection shall contravene the provisions

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last above referred to or any such amendment thereof.

(k) All books, papers and documents pertaining to the Board of Public Works and the office of Railroad Commissioner, which have been transferred to the State Corporation Commission, shall continue to be a part of its records.

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of any part of this Constitution other than the subsections last above referred to or any such amendment thereof.

Note to Section 150

The original number 156 is changed to 150.

Subsection (a) no material change. Subsections (b) through (i) unchanged. Old subsection (j) omitted. Obsolete matter in subsection (k) omitted. Old subsection (1) is omitted and the vital matter therein transferred to new subsection (j).

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Sec. 151. Fees from corporations.—Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State, if it be a foreign company and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the

Sec. 157.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by this article; but the General Assembly may relieve from the payment of said registration fee any purely charitable institution or institutions.

Note to Section 151

Original number 157 changed to 151.

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Sec. 152. Effect of amendment of previously obtained charter of corporation.—Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

Sec. 158.—Unchanged.

Note to Section 152

Original number 158 changed to 152.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 153. Eminent domain and police power of State never abridged.—The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner

Sec. 159.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

as to infringe the equal rights of individuals or the general well-being of the State.

Note to Section 153

Original number 159 changed to 153.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 154. Concerning rates of transportation and transmission companies.—No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Sec. 160.—Unchanged.

Note to Section 154

Original number 160 changed to 154.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 155. Free transportation of members of General Assembly and of State, county, district, or municipal officers, except members and officers of State Corporation Commission, prohibited; penalty; policemen and firemen excepted.—No transportation or transmission company doing business in this State shall grant to any member of

Sec. 161.—Unchanged.

*Constitution as at Present (for Comparison)**Constitution as at Present (for Comparison)*

the General Assembly, or to any State, county, district, or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege, or benefit prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Note to Section 155

Original number 161 changed to 155.

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Sec. 156. Fellow-servant doctrine abolished to extent stated.—The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a non-assignable duty; provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the

Sec. 162.—Unchanged.

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company of a higher grade of service than himself, or from that of a person employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of

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the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Note to Section 156

Original number 162 changed to 156.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 157. As to foreign corporations.—No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate, when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of nonresident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corporations whenever, and in whatsoever respect, it may deem wise or expedient.

Sec. 163.—Unchanged.

Note to Section 157

Original number 163 changed to 157.

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Sec. 158. Right of regulation and control of common carriers and public service corporations never surrendered or abridged.—The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered or abridged.

Sec. 164.—Unchanged.

Note to Section 158

Original number 164 changed to 158.

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Sec. 159. General Assembly shall enact laws preventing all trusts, combinations and monopolies inimical to the public welfare.—The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

Sec. 165.—Unchanged.

Note to Section 159

Original number 165 changed to 159.

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Sec. 160. Right to parallel railroad; as to building road parallel to Richmond, Fredericksburg and Potomac Railroad; duties of connecting railroads.—The exclusive right to build or operate railroads parallel to its own, or any other, line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway, any railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac Railroad.

Sec. 166.—Unchanged.

Note to Section 160

Original number 166 changed to 160.

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Sec. 161. Concerning issuance of stocks and bonds by corporations; penalty for violation.—The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued: and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services or property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

Sec. 167.—Unchanged.

Note to Section 161

Unchanged except original number 167 is changed to 161.

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ARTICLE XIII

Taxation and Finance

Sec. 162. Taxable property; taxes shall be uniform as to class of subjects and levied and collected under general laws.—All property, except as hereinafter provided, shall be taxed; all taxes, whether State, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may define and classify taxable subjects.

Sec. 168.—Unchanged, except as stated in note.

[See next page for note as to this section]

Note to Section 162

Original number 168 changed to 162. The last sentence is new and is added for emphasis.

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Sec. 163. How property assessed; General Assembly may grant cities and towns right to reduce taxation for a period of years on land added to corporate limits.—Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added.

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Sec. 169. How property assessed; General Assembly may grant cities and towns right to reduce taxation for a period of years on land added to corporate limits; right of General Assembly to segregate property for purposes of taxation.—Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property, so as to specify and determine upon what subjects, State taxes, and upon what subjects local taxes may be levied.

Note to Section 163

Original number 169 changed to 163.

Changed to conform to section 166 (old section 171) providing for the segregation of real estate and tangible personal property for local taxation. Obsolete matter omitted.

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Sec. 164. Income, license and franchise taxes.—The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose State franchise taxes, and in imposing a franchise tax, may, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed.

Constitution as at Present (for Comparison)

Sec. 170. Income, license and franchise taxes; paving and sewer taxes; abutting land owners.—The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose State franchise taxes, and imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed. No city or town shall impose any tax or assessment upon

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abutting land owners for street or other public local improvements, except for the making and improving the walk-ways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements shall be imposed on abutting land owners.

Note to Section 164

Original number 170 changed to 164 and the latter part of the section relating to special assessments for local improvement has been carried into a separate section numbered 165.

<i>Constitution With Proposed Amendments</i>	<i>Constitution as at Present (for Comparison)</i>
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Sec. 165. Paving and sewer taxes; abutting land owners.—No city, town or county having the right under this section shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for the making and improving the walk-ways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, and counties having a population greater than five hundred inhabitants per square mile, as shown by United States census, no such taxes or assessments, for local public improvements, shall be imposed on abutting land owners.

Note to Section 165

This is the pending amendment. The language relating to assessments on abutting land owners is put in a separate section in order that an alternate section may be presented for comparison and adoption by the General Assembly if it prefers to do so.

Note to Alternate Section 165

As the Commission is not in agreement on this section, the following alternate section is drawn for the convenient consideration and use of those members of the General Assembly who desire to grant cities and towns the right to impose taxes or assessments on abutting land owners for streets or other public local improvements.

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Sec. 165. Special assessments; abutting land owners.—(a) General laws may be enacted authorizing taxes or assessments by cities and towns, and by counties

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having a population greater than five hundred inhabitants per square mile as shown by the last United States census, upon properties specially and peculiarly benefitted, for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction or for the use of sewers.

(b) General laws may also be enacted authorizing cities and towns to impose taxes or assessments against properties which are specially and peculiarly benefitted by public local improvements other than those mentioned in subsection (a) foregoing, made by such cities and towns.

(c) Taxes or assessments hereinbefore provided for may be imposed on properties peculiarly benefitted whether or not the same abut on such public improvement. Such taxes or assessments shall not exceed the peculiar benefits resulting from such improvements.

But under subsection (b) of this section no city or town shall exercise the authority so to assess such properties specially and peculiarly benefitted until the provisions of a general law authorizing the same shall be adopted by such city or town, by a vote of a majority of the qualified voters thereof voting thereon at an election held for the purpose; nor shall such tax or assessment, other than that provided for in subsection (a), be imposed unless and until at least a majority in interest (as ascertained from assessed taxable values) of the owners of the properties abutting thereon shall in writing consent to such improvement.

The aggregate of taxes or assessments imposed under this section shall not exceed two-thirds of the total cost of such improvement.

No such taxes or assessments shall be imposed by a city or town except as authorized by this section.

No such taxes or assessments authorized by subsection (a) shall be imposed except in cities and towns and such counties as are therein specified; nor under subsection (b) except in cities and towns.

Sec. 166. Taxation of real estate and tangible property.—No State property tax for State purposes shall be levied on real estate or tangible personal property, except the rolling stock of public service corporations. Real estate and tangible personal property, except the rolling stock of public service corporations, are hereby segregated for, and made subject to,

Sec. 171. Reassessments of real estate.—The General Assembly shall provide for a reassessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

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local taxation only, and shall be assessed or reassessed for local taxation in such manner and at such times as the General Assembly has heretofore prescribed, or may hereafter prescribe, by general laws.

Note to Section 166

Original number 171 changed to 166.
This is the pending amendment.

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Sec. 167. Assessment of coal and mineral lands.—Coal and other mineral lands shall be assessed or reassessed for local taxation in such manner and at such times as the General Assembly has heretofore prescribed, or may hereafter prescribe, by general laws.

Sec. 172. Assessment of coal and mineral lands.—The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

Note to Section 167

Original number 172 changed to 167.

This section is altered to harmonize its provisions with those of the proposed amendment to section 166 (old section 171) segregating real estate and tangibles for local taxation.

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Sec. 168. State, county, and municipal capitation taxes.—The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in such proportion as may be prescribed by law, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper authorities to such county or city purposes as they shall respectively determine. Such State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, to be applied to city, town or county purposes.

Sec. 173. State, county, and municipal capitation taxes.—The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

[See next page for note as to this section]

Note to Section 168

Original number 173 changed to 168.

- (1) The word "male" in the first sentence is omitted.
- (2) The last sentence has been recast without altering its meaning.

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Sec. 169. Statute of limitations shall not run against State taxes; failure to assess not to defeat subsequent assessment and collection of taxes; exception as to bona fide purchaser for value.—After this Constitution shall be in force, no statute of limitations shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a *bona fide* purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

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Sec. 174.—Unchanged.

Note to Section 169

Original number 174 changed to 169.

Constitution With Proposed Amendments

Sec. 170. The natural oyster beds.—The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

Constitution as at Present (for Comparison)

Sec. 175.—Unchanged.

Note to Section 170

Original number 175 changed to 170.

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Sec. 171. Assessment and taxation of railroad and canal companies.—The State Corporation Commission shall annually ascertain and assess, in the manner prescribed by law, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real

Constitution as at Present (for Comparison)

Sec. 176. Assessment and taxation of railroad and canal companies.—The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each rail-

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estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for State, county, city, town and district purposes in the manner prescribed by law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons.

way corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for State, county, city, town, and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons: provided, that no tax shall be laid upon the net income of such corporations.

Note to Section 171

Changes:

- (1) Original number 176 changed to 171.
- (2) No change except to conform the section to the existing law.
- (3) The last proviso in the original section is eliminated as unwise, and an improper restriction on the taxing power of the State.

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Sec. 172. Franchise tax of railroad and canal companies.—Every such railway or canal corporation shall also pay an annual State franchise tax to be prescribed by law, upon the gross receipts hereinafter specified in section one hundred and seventy-three, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section one hundred and seventy-one shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, or upon its property assessed under section one hundred and seventy-one: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section one hundred and fifty-two of this Constitution, or from assessments for street and other public local improvements authorized by section one hundred and sixty-five; and provided further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

Sec. 177. Franchise tax of railroad and canal companies.—Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual State franchise tax equal to one per centum upon the gross receipts hereinafter specified in section one hundred and seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section one hundred and seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, and upon its property assessed under section one hundred and seventy-six: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section one hundred and fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section one hundred and seventy; and provided further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or

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alleys of such municipalities by such railway corporations.

Note to Section 172

Original number 177 changed to 172.
No material change.

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Sec. 173. Amount and ascertainment of such franchise tax.—The amount of such franchise tax shall be equal to such *per centum* of the gross transportation receipts of such corporations for each year as may be prescribed by law, to be ascertained by the State Corporation Commission in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to the prescribed *per centum* of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to the prescribed *per centum* of the gross transportation receipts earned within this State, to be determined as follows: by ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State; provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other States over similar facilities or advantages in this State.

Sec. 178. Amount and ascertainment of such franchise tax.—The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporations for the year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State; provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other States over similar facilities or advantages in this State.

Note to Section 173

Original number 178 changed to 173.

No material change except to authorize the General Assembly to prescribe the per centum on gross receipts and the taxable year. The words "the prescribed" have been inserted in two places to conform the section to the existing law.

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Sec. 174. Reports of corporations to Corporation Commission.—Each corporation mentioned in sections one hundred and seventy-one and one hundred and seventy-two shall annually, at the time prescribed by law, make to the State Corporation Commission a report which shall show the property taxable in this

Sec. 179. Reports of corporations to Corporation Commission.—Each corporation mentioned in sections one hundred and seventy-six and one hundred and seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law in force January the first, nineteen

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State belonging to the corporation on the date that may be prescribed by law, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by law, assess the value of the property of the corporation not exempt from taxation, and ascertain the amount of the franchise tax and other State taxes chargeable against it.

All taxes for which the corporation is liable shall be paid as prescribed by law.

Such taxes until paid shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

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hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other State taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporations. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

Note to Section 174

Original number 179 changed to 174.

No material change except that the General Assembly may prescribe the taxable date.

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Sec. 175. Application for relief from assessment for taxation; proceedings thereunder.—The Commonwealth, or any political subdivision thereof, or a corporation, aggrieved by the assessment and ascertainment made under sections one hundred and seventy-one and one hundred and seventy-three foregoing, may, according to such course of procedure as may be prescribed by law, apply for relief first to the State Corporation Commission and then to the circuit court of the city of Richmond.

If the court be of opinion that the assessment or tax is excessive, it shall reduce the same; but if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallows the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one *per centum* per month upon the amount of

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Sec. 180. Application by corporation for relief from assessment for taxation; proceedings thereunder.—Any corporation aggrieved by the assessment, and ascertainment made under sections one hundred and seventy-six and one hundred and seventy-eight may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of complaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney General whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallows the application, shall give judgment against it for a sum, by way of damages, equal to interest at

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taxes from the time the same were payable.

If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application.

Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

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the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

Note to Section 175

Original number 180 changed to 175.

The material change made is in the provision giving the Commonwealth, or a political subdivision thereof, the same right as the corporation has to apply for relief from the finding of the Corporation Commission as is now or may be prescribed by law.

There have been omitted some details of procedure already provided by law.

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Sec. 176. Legislative power over system of corporate taxation.—Notwithstanding the provisions of sections one hundred and seventy-one to one hundred and seventy-five inclusive, the General Assembly shall have power to change the system of taxation as to the corporations therein mentioned, and to provide how the same shall be administered by the State Corporation Commission, or other central State agency. If the said system of taxation shall for any reason become inoperative the General Assembly shall have power to prescribe some other system in lieu thereof and to provide how it shall be administered.

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Sec. 181. Taxation, of corporations as stated in sections 176 to 180, inclusive, to remain fixed from January 1, 1903, to January 1, 1913, and thereafter until modified by General Assembly.—After January the first, nineteen hundred and three, the system of taxation, as to the corporations, mentioned in sections one hundred and seventy-six and one hundred and seventy-seven, shall be as set forth in sections one hundred and seventy-six to one hundred and eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law, provided that if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

Note to Section 176

Original number 181 changed to 176.

No material change made except in preserving the jurisdiction of the Corporation Commission or other central State agency.

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Omitted.

Sec. 182. Taxation of shares of stock of trust or security companies and incorporated banks.—Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

Note Explaining Omission of Section 182

Section omitted as obsolete as a different method of taxation has been prescribed by law. See sections 17 to 22 of the 1926 Tax Bill.

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Sec. 177. Property exempt from taxation.—Unless otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(a) Property owned directly or indirectly by the United States, the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth issued since February 14, 1882, or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein and endowment funds lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private or public burying grounds or cemeteries and endowment funds, lawfully held, for their care, provided the same are not operated for profit.

(d) Property owned by public libraries, incorporated colleges or other incorporated institutions of learning not conducted for profit, together with the endowment funds thereof not invested in real estate. But this provision shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto. It shall not

Sec. 183. Property exempt from taxation.—Except as otherwise provided in this Constitution, the following property and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister or any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such, and so exclusively used, and public burying grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed

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apply to industrial schools which sell their product to others than their own employees or students.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit, but exclusively as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property of the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, the Mount Vernon Ladies' Association of the Union, The Virginia Historical Society, the Thomas Jefferson Memorial Foundation, Incorporated, the posts of the American Legion and such other similar organizations or societies as may be prescribed by law.

Except as to class (a) above, general laws may be enacted restricting but not extending the above exemptions.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association, or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay a sum of money or other benefit, on account of death, sickness, or accident to any of its members or other person.

Whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall otherwise be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town. But the General Assembly may provide for the partial taxation of property not exclusively used for the purposes herein named.

Nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof, existing under any lawful contract heretofore made, any

by local authorities or by private corporations.

(d) Buildings with the land they actually occupy and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such building, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate; provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles, in the community in which such school is located; provided, that nothing herein contained shall restrict any such school from doing work or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

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real estate owned by such county, city or town, as heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

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(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinafore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association, or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefits, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation, as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees, thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, as heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

Note to Section 177

Original number 183 changed to 177.

The section has been recast, largely in the interest of clearness and brevity.

The pending amendment with reference to endowment funds of cemeteries has been incorporated in subsection (c).

Endowment funds lawfully held by churches and other religious bodies have been inserted in subsection (b), so as to place these endowments in the same class with endowment funds of libraries, educational institutions and public and private burying grounds.

The Thomas Jefferson Memorial Foundation, Incorporated, and the posts of the American Legion have been added in subsection (g); and the General Assembly is empowered to enlarge the subsection so as to include similar patriotic and historical associations.

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Sec. 178. Officers salaries not exempt from income tax.—The provisions of this Constitution forbidding the diminution of the salary or compensation of a judge or

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other officer during his term of office shall not be construed to exempt such salary or compensation from State income tax thereon.

Note to Section 178

This section is new. The Supreme Court of the United States has held under a similar provision of the Federal Constitution that such salaries or compensation are not subject to income tax. The salaries of such public officials should be taxed equally with those of private individuals.

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Sec. 179. Authorization of certain debts.—The General Assembly may contract debts to meet casual deficits in the revenue to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

Sec. 184. Contraction of debts and issues of evidences of indebtedness by State prohibited with certain exceptions.—No debt shall be contracted by the State except to construct, or reconstruct, public roads, to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate, or other evidence of State indebtedness, shall be issued except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Note to Section 179

In the interest of clarity, old section 184 has been divided into new sections 179, 180 and 181. New section 179 is the first part of old section 184 expressed in affirmative form.

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Sec. 180. Authorization of certain liabilities if approved by popular vote; limitations as to amount.—No debt or liability, except the debts specified in section one hundred and seventy-nine, shall be hereafter contracted by or in behalf of the State, unless such debt shall be authorized by law for some single purpose constituting new capital outlay, to be distinctly specified therein, and a vote of a majority of all the members elected to each house shall be necessary to the passage of such law. On the final passage of such law in either house of the General Assembly, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" No such law shall take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for or

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against it. Such law shall be published, as may be prescribed by law, for at least three months next preceding such election.

The aggregate amount of the debts authorized by this section shall not at any one time exceed one *per centum* of the assessed value of all the taxable real estate in the State, as shown by the last assessment preceding.

None of the provisions of this section shall apply to the debts specifically authorized by section one hundred and seventy-nine of this Article.

Note to Section 180

This section requires every State bond issue to be submitted to the people at the time of a general election and limits to one *per centum* of the assessed value of the taxable realty in the State the aggregate bonded indebtedness the State may incur.

The old section permits road bonds to be issued without a popular vote and without limit, while the new section requires a popular vote on bonds proposed to be issued for every purpose and limits the aggregate amount thereof at any time outstanding to one *per centum* of the assessed value of all the taxable real estate in the State.

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Sec. 181. Issues of evidences of indebtedness by State prohibited with certain exceptions.—No scrip, certificate, or other evidence of indebtedness, shall be issued, except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 185.—Unchanged.

Sec. 182. Lending of credit to, or subscription to stock of, corporations or persons by State, county, city or town prohibited; State shall become interested in no work of internal improvement except public roads. Exception as to counties, cities and towns.—Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence whatsoever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city, or town from perfecting a subscrip-

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

tion to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and free-holders of such county, city, or town in favor of such subscription: provided, that such vote was had prior to July first, nineteen hundred and three.

NOTE TO SECTION 182

Original number 185 changed to 182.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 183. Collection and disposition of State revenue; payment of money from State treasury; what appropriations shall not be made.—All taxes, licenses and other revenue of the State shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city or town pay any debt or obligation created by such county, city or town in aid of said war.

Sec. 186. Collection and disposition of State revenue; payment of money from State treasury; what appropriations shall not be made.—All taxes, licenses, and other revenue of the State, shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years after the end of the session of the General Assembly, at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city or town pay any debt or obligation created by such county, city or town in aid of said war.

NOTE TO SECTION 183

Original number 186 changed to 183.
This is the pending amendment.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 184. Sinking fund for State debt; every law creating a debt to provide for a sinking fund for its payment.—The General Assembly shall provide and maintain a sinking fund in accordance with the provisions of section ten of the act, approved February the twentieth, eighteen hundred and ninety-two, entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering

Sec. 187.—Unchanged.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

the same, and the regular and prompt payment of the interest thereon, approved February the fourteenth, eighteen hundred and eighty-two." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

Note to Section 184

Original number 187 changed to 184.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 185. Limit of tax or revenue.—No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

Sec. 188.—Unchanged.

Note to Section 185

Original number 188 changed to 185.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 186. Authorization of exemption of manufactories from local taxation.—The General Assembly may by general law authorize cities, towns and counties to exempt manufacturing establishments from local taxation for a period not exceeding five years, as an inducement to their location.

Sec. 189. Rate of taxation; application of proceeds; pensions.—On all lands and the improvements thereon, and on all tangible personal property, not exempt from taxation by the provisions of this article, the rate of State taxation shall be twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the expenses of the government and the indebtedness of the State, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State; provided, that after the first day of January, nineteen hundred and seven, the tax rate upon said real and personal property, for such purpose shall be prescribed by law. But the General Assembly during such period of four years, in addition to making annually an appropriation for pensions not to exceed the last appropriation made for such purpose prior to September the thirtieth, nineteen hundred and one, may levy annually, a special tax for pensions, on such real and personal property of not exceeding five cents on the hundred dollars of the assessed value thereof.

Note to Section 186

Original number 189 changed to 186.

The original section (old number 189) is omitted as obsolete. The substituted provision is new. Its purpose is obvious and in keeping with the modern practice in many States.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

ARTICLE XIV

Sec. 190.—Unchanged.

Miscellaneous Provisions, Homestead and Other Exemptions

Sec. 187. Homestead exemptions; when not to apply.—Every householder or head of a family shall be entitled in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him, provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article.

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent.

Sixth. For the legal or taxable fees of any public officer of a court.

Note to Section 187

Original number 190 changed to 187.

Constitution With Proposed Amendments *Constitution as at Present (for Comparison)*

Sec. 188. In what property homestead exemptions cannot be claimed.—The said exemption shall not be claimed or held in a shifting stock, of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

Sec. 191.—Unchanged.

Note to Section 188

Original number 191 changed to 188.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 189. Manner and conditions on which homestead may be set apart to be prescribed by General Assembly.—The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any part of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Sec. 192.—Unchanged.

Note to Section 189

Original number 192 changed to 189.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 190. Homestead previously claimed not invalidated (liberally construed).—Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he is entitled under the former Constitution: provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections one hundred and eighty-seven and one hundred and eighty-eight. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter two hundred and seventy-four of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Sec. 193. Homestead previously claimed not invalidated (liberally construed).—Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution; provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections one hundred and ninety and one hundred and ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter one hundred and seventy-eight of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Note to Section 190

Original number 193 changed to 190.

Unchanged except the substitution of the words "chapter two hundred and seventy-four" for the words "chapter one hundred and seventy-eight" to conform the reference to the Code of 1919; and the substitution of the words "one hundred and eighty-seven and one hundred and eighty-eight" for the words "one hundred and ninety and one hundred and ninety-one" to conform to the new section numbers.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 191. Stay laws prohibited; exception.
 —The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

Sec. 194.—Unchanged.

Note to Section 191

Original number 194 changed to 191.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 192. Heirs of property; children of slaves.—The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

Sec. 195.—Unchanged.

Note to Section 192

Original number 195 changed to 192.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)*

Sec. 193. Terms of office of present incumbents.—All incumbents of offices shall serve the term for which they have been previously selected, subject to all the contingencies which affect officials of a similar class hereafter selected.

Note to Section 193

This is entirely new matter and preserves, as stated, the terms of the present incumbent's in office. It is merely a precautionary provision.

*Constitution With Proposed Amendments**Constitution as at Present (for Comparison)***ARTICLE XV****Future Changes in the Constitution**

Sec. 194. Amendments.—Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall

Sec. 196. Amendments.—Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall

<i>Constitution With Proposed Amendments</i>	<i>Constitution as at Present (for Comparison)</i>
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be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session or any subsequent extra session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

Note to Section 194

Original number 196 changed to 194.

After the words, "If, at such regular session," at the beginning of the second sentence, there have been added the words, "or any subsequent extra session of that General Assembly." The Commission sees no reason for restricting action on a proposed amendment to the regular session. In no event could the reference to the people be made until after the regular session, next following the session, either regular or extra, at which the proposed amendment was first agreed to.

<i>Constitution With Proposed Amendments</i>	<i>Constitution as at Present (for Comparison)</i>
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Sec. 195. Constitutional convention; how called.—At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

Sec. 197.—Unchanged.

Note to Section 195

Original number 197 changed to 195.

Constitution With Proposed Amendments Constitution as at Present (for Comparison)

ARTICLE XVI

Rules of Construction

Sec. 196. Rules of construction.—In this Constitution, the singular shall include the plural and the masculine the feminine.

In conferring a power or imposing a duty, “may” is permissive and “shall” is mandatory.

Omissions, having been often made for brevity, or because the part omitted was superfluous, or not necessarily simply a change of policy.

These rules do not apply where a contrary intent plainly appears.

Note to Section 196

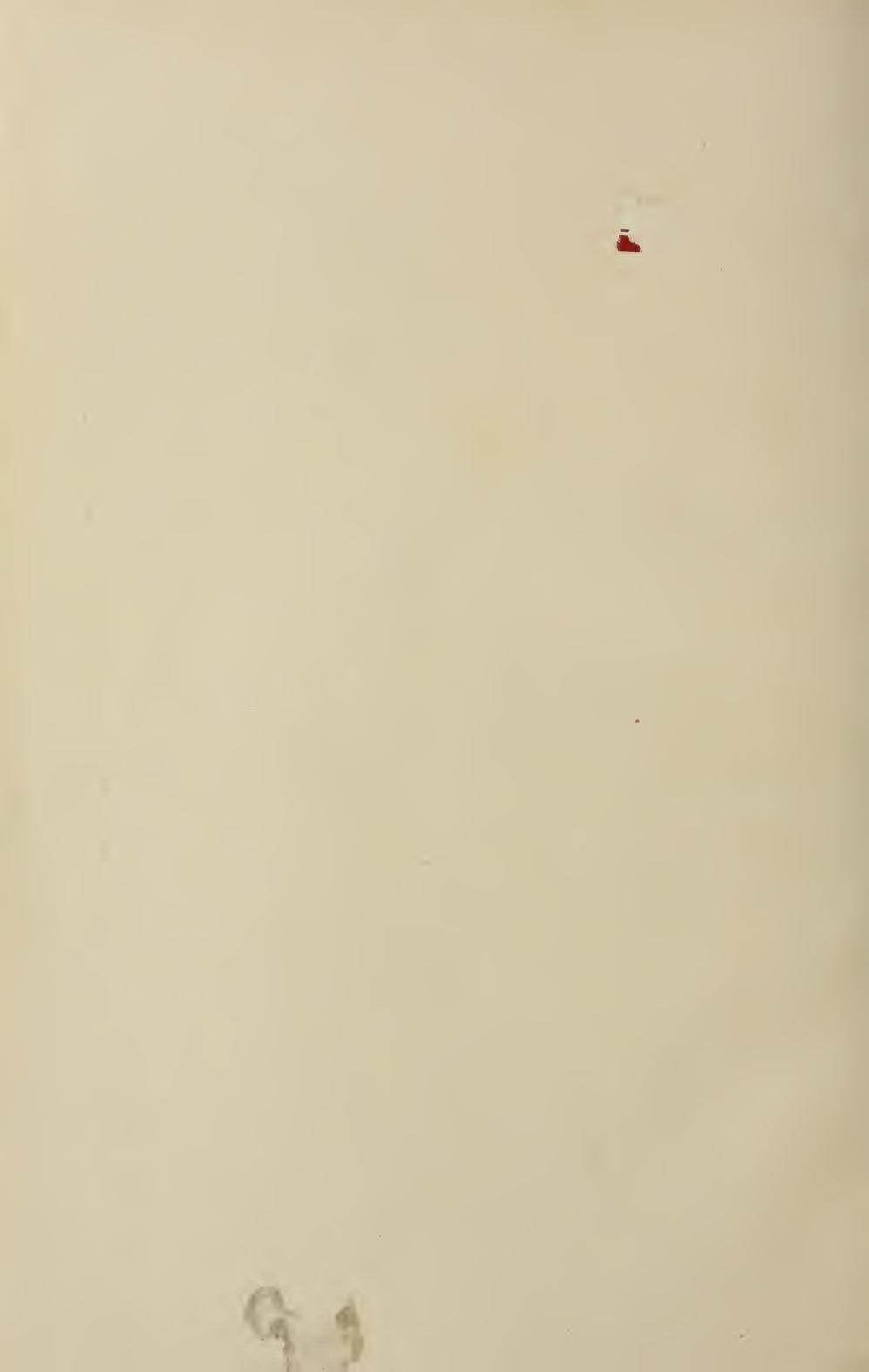
This is entirely new matter. It is necessary because it would be tedious and require many changes to draft a Constitution without using the masculine pronoun. To say “he or she,” or “him or her” on every occasion would be awkward in the extreme.

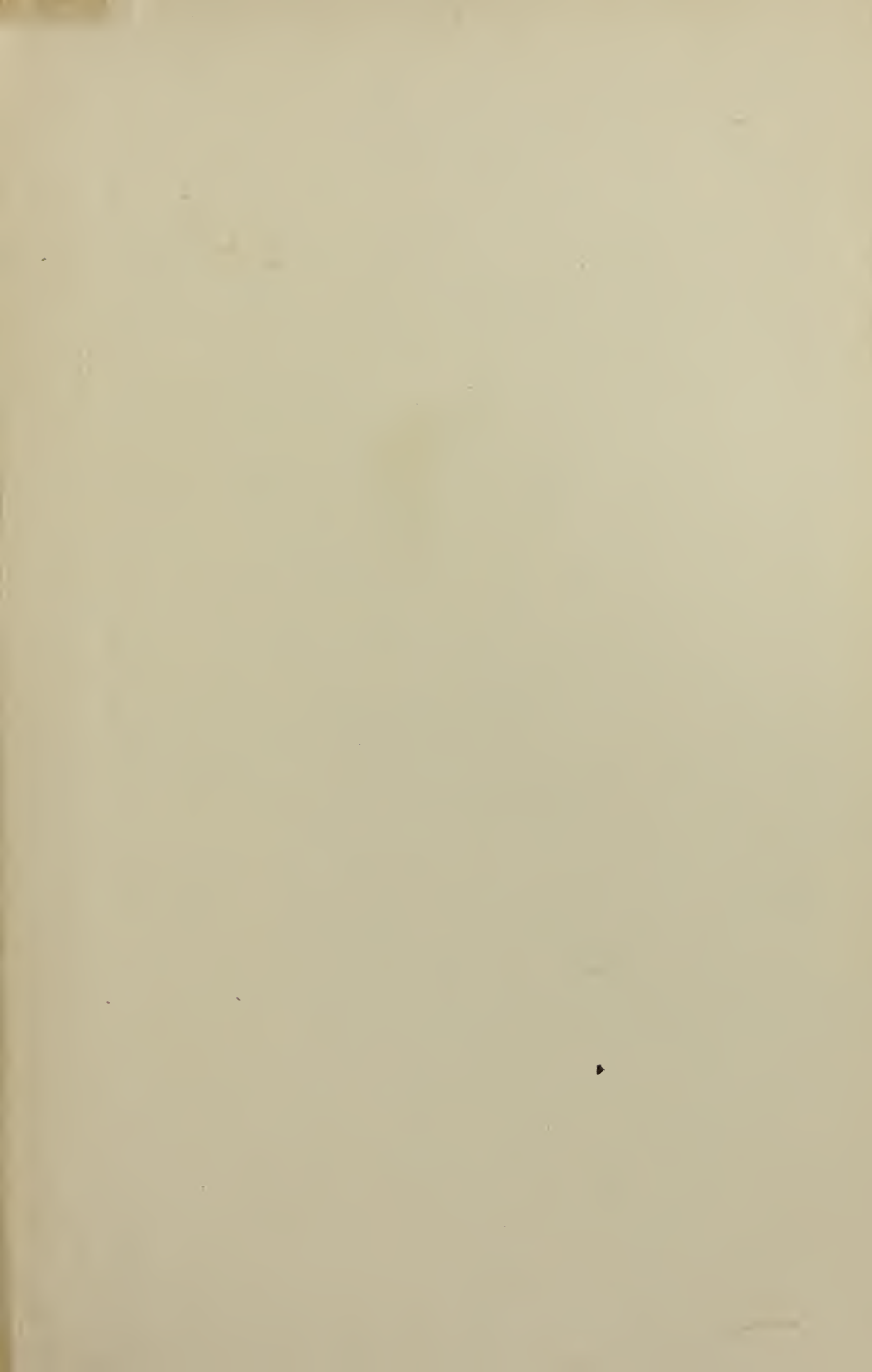
The meaning and purpose of the other rules of construction is obvious, and the Commission believes their insertion in the Constitution advisable.

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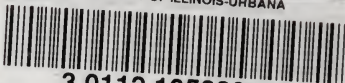
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